

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

EXTRAORDINARY SESSION

OF THE

Sixteenth Legislative Assembly

Held at Helena, the Seat of Government of Said State, commencing
July 29, 1919, and ending August 11, 1920

PUBLISHED BY AUTHORITY



STATE PUBLISHING CO., HELENA, MONT.

Certificate of Authentication

STATE OF MONTANA }
SECRETARY'S OFFICE. } ss.

I, C. T. Stewart, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Extraordinary Session of the Sixteenth Legislative Assembly of said State, held at Helena, the seat of government of said State, commencing July 29, 1919.

(SEAL) IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the Great Seal of said State.
Done at the City of Helena, the seat of government
of said State of Montana, this 30th day of August,
A. D. 1919.

C. T. STEWART,
Secretary of State.

OFFICERS AND MEMBERS

OF THE

16th Legislative Assembly of the State of Montana

Governor, S. V. STEWART
 Lieutenant Governor and President of the Senate, W. W. McDOWELL
 Speaker of the House, O. W. BELDEN

STATE SENATORS

Name	Residence	County	Politics
Anderson, J. W.	Sidney	Richland	Republican
*Arnold, Geo. O.	Manhattan	Gallatin	Democratic
Booth, Edwin S.	Baker	Fallon	Republican
Burgess, C. N.	Townsend	Broadwater	Democratic
*Burla, Gwen F.	Hardin	Big Horn	Democratic
Burlingame, J. M.	Great Falls	Cascade	Republican
Clark, T. L.	Sweet Grass	Toole	Democratic
*Clay, Geo. W.	Malta	Phillips	Republican
Cone, Frank	Hamilton	Ravalli	Republican
Connelly, F. B.	Billings	Yellowstone	Republican
Cooper, Geo. R.	St. Regis	Mineral	Republican
Craig, James W.	Pinale	Carter	Republican
Donlan, Edward	Missoula	Missoula	Republican
Edwards, John E.	Forsyth	Rosebud	Republican
*Ellingson, Henry	Big Timber	Sweet Grass	Republican
*Featherly, George P.	Dillon	Beaverhead	Republican
Foster, J. E.	Harlowton	Wheatland	Republican
Gallwey, Harry A.	Butte	Silver Bow	Democratic
*Gnose, J. B.	Anaconda	Deer Lodge	Republican
*Haley, W. S.	Terry	Prairie	Republican
*Healy, Daniel	Livingston	Park	Democratic
*Heren, Rolla P.	Miles City	Custer	Republican
Junod, O. H.	Sheridan	Madison	Republican
Kinney, J. C.	Wibaux	Wibaux	Republican
Larson, T. O.	Choteau	Teton	Republican
Leuthold, J. H.	Park City	Stillwater	Republican
Lewis, Vernon E.	Ft. Benton	Chouteau	Republican
Long, F. A.	Eureka	Lincoln	Republican
Lowe, Henry P.	Culbertson	Sheridan	Republican
*McCone, George	Glendive	Dawson	Republican
McKay, John F.	Thompson Falls	Sanders	Democratic
*Morris, Claude F.	Havre	Hill	Democratic
*O'Shea, Daniel G.	Red Lodge	Carbon	Democratic
Page, John R.	Philipsburg	Granite	Democratic
Parker, Montgomery H.	Boulder	Jefferson	Democratic
Pauline, Robt.	Kalispell	Flathead	Republican
Slattery, John L.	Glasgow	Valley	Republican
*Slayton, Daniel W.	Lavina	Musselshell	Republican
Smith, Park	Helena	Lewis & Clark	Republican
*Taylor, L. B.	Lloyd	Blaine	Republican
White, B. C.	Buffalo	Fergus	Democratic
*Williams, Charles H.	Deer Lodge	Powell	Republican
Wood, Jas. T.	White Sul. Spgs	Meagher	Republican

*Holdovers. Elected in 1916.

OSCAR CRUTCHFIELD, Secretary.

HOUSE OF REPRESENTATIVES

Name	Residence	County	Politics
Arnold, R. C.	Opheim	Valley	Democratic
Baggs, George T.	Stevensville	Ravalli	Republican
Baldwin, C. J.	Bridger	Carbon	Republican
Belden, O. W.	Lewistown	Fergus	Republican
Beley, Ward	Harlowton	Wheatland	Republican
Bent, Wallace A.	Warren	Carbon	Democratic
Bergeson, O. A.	Geraldine	Chouteau	Republican
Black, W. M.	Shelby	Toole	Republican
Boulware, Chas.	Butte	Silver Bow	Democratic
Brandford, I. M.	Missoula	Missoula	Democratic
Brockway, B. G.	Billings	Yellowstone	Republican
Broderick, Hugh	Canton	Broadwater	Democratic
Brooks, Joseph	Livingston	Park	Republican
Brown, H. W.	Cascade	Cascade	Republican
Buchanan, Frank, Sr.	Hesper	Yellowstone	Republican
Budas, Albert	Red Lodge	Carbon	Republican
Buell, H. S.	Bozeman	Gallatin	Republican
Call, Thomas J.	Varney	Madison	Republican
Carpenter, L. W.	Lee	Rosebud	Democratic

HOUSE OF REPRESENTATIVES—Continued

Name	Residence	County	Politics
Carroll, Hugh S.	Butte	Silver Bow	Democratic
Chrystal, John L.	Anaconda	Deer Lodge	Democratic
Church, Ray	Helena	Lewis & Clark	Republican
Coburn, John W.	Cut Bank	Teton	Republican
Collins, J. B.	Miles City	Custer	Republican
Conser, C. C.	Plevna	Fallon	Republican
Cooney, E. H.	Great Falls	Cascade	Democratic
Corry, Arthur V.	Butte	Silver Bow	Democratic
Crouch, Samuel J.	Three Forks	Gallatin	Republican
Crumbaker, Calvin	Carter	Chouteau	Democratic
Demel, C. W.	Billings	Yellowstone	Republican
Dillavou, R. C.	Billings	Yellowstone	Republican
Dodds, Percy F.	Whitefish	Flathead	Republican
Dryburgh, Wm.	Helena	Lewis & Clark	Democratic
Dunn, W. F.	Butte	Silver Bow	Republican
Eaton, Earnest T.	Billings	Yellowstone	Republican
Faust, H. J.	Drummond	Granite	Republican
Felton, W. R.	Square Butte	Chouteau	Democratic
Finsley, Jesse W.	Jackson	Beaverhead	Democratic
Foley, John J.	Butte	Silver Bow	Democratic
Franklin, A. H.	Superior	Mineral	Republican
Fuller, N. H.	Miles City	Custer	Republican
Gibson, Fred L.	Livingston	Park	Republican
Gladden, James W.	Perma	Sanders	Republican
Goodell, H. T.	Hobson	Fergus	Republican
Griffin, James	Chinook	Blaine	Republican
Gudmunson, O. M.	Rapelje	Stillwater	Republican
Gullidge, A. O.	Terry	Prairie	Republican
Haaland, Jasper, Jr.	Lucerne	Hill	Democratic
Harrington, Jerry J.	Butte	Silver Bow	Democratic
Hathaway, Maggie Smith	Stevensville	Ravalli	Republican
Henderson, W. C.	Jordan	Dawson	Republican
Higgins, Ronald	Missoula	Missoula	Republican
Hofman, John	McCabe	Roosevelt	Republican
Holt, S. A.	Ekalaka	Carter	Republican
Hunter, James	Klein	Musselshell	Republican
Ingalls, Emma A.	Kalispell	Flathead	Republican
Johnson, Edw. C.	Anaconda	Deer Lodge	Republican
Jones, Dudley	Dodson	Phillips	Republican
Jones, Hugh M.	Great Falls	Cascade	Republican
Jones, J. Earl	Lambert	Richland	Democratic
Kelly, Dan M.	Butte	Silver Bow	Republican
Kelsey, Frank T.	Moorhead	Custer	Democratic
King, D. B.	Butte	Silver Bow	Democratic
Lemmon, C. A.	Anaconda	Deer Lodge	Republican
McAfee, J. H.	Kalispell	Flathead	Republican
McCormick, Washington Jay	Missoula	Missoula	Republican
McQuarrie, Daniel L.	Missoula	Missoula	Democratic
Mead, Jas. A.	West Fork	Valley	Republican
Meigs, W. H.	Great Falls	Cascade	Democratic
Meyer, William	Butte	Silver Bow	Democratic
Middleton, J. R.	Hysham	Rosebud	Republican
Mo, E. J.	Big Timber	Sweet Grass	Republican
Mooney, E. T.	Butte	Silver Bow	Democratic
Muth, William	Helena	Lewis & Clark	Democratic
Naylor, E. M.	Glendive	Dawson	Republican
Newman, L.	Great Falls	Cascade	Democratic
Nyquist, John S.	Poplar	Sheridan	Republican
Otten, H. C.	Lewistown	Fergus	Republican
Penwell, M. W.	Belgrade	Gallatin	Republican
Rasmussen, C. A.	Glendive	Dawson	Republican
Reid, C. W.	Been	Wibaux	Republican
Rhoads, Harmon T.	Choteau	Teton	Republican
Roberts, J. W.	Great Falls	Cascade	Republican
Scharnikow, Edward	Deer Lodge	Powell	Democratic
Scott, Geo. H.	Butte	Silver Bow	Republican
Scott, W. J.	Hardin	Big Horn	Republican
Sektnan, M.	Glasgow	Valley	Democratic
Silverman, Moz J.	Helena	Lewis & Clark	Republican
Sinclair, J. B.	Kalispell	Flathead	Republican
Stephens, Chas.	Highwood	Chouteau	Republican
Stewart, Jas. H.	White Sul. Spgs	Meagher	Democratic
Sullivan, M. J.	Alhambra	Jefferson	Democratic
Treloar, Samuel H.	Butte	Silver Bow	Republican
Walsh, Jas. A.	Missoula	Missoula	Democratic
Well, C. A.	Eureka	Lincoln	Democratic
Wilcomb, A. J.	Twin Bridges	Madison	Republican
Wilson, Jno. A.	Stanford	Fergus	Republican
Wood, Thos. P.	Helena	Lewis & Clark	Democratic

W. O. CRAIG, Chief Clerk.

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BY THE GOVERNOR OF THE STATE OF MONTANA

A PROCLAMATION

It appearing to me that a grave emergency confronts the State and that Legislative intervention is necessary to protect the interests of a portion of the citizens of the State in certain particulars, said emergency having been brought about by reason of the drouth conditions and resultant crop failures; and

It appearing further that the laws and statutes of this State relative to the performance of work and labor upon the public highways are of such a nature as to make it difficult and often impossible to accomplish the required improvements; and

It appearing further that it is possible for the Legislature to enact such laws and amend the statutes of the State of Montana so that citizens of this State may be given employment upon the roads and highways and that Federal aid may be accepted and utilized; and

It appearing further that Legislative enactment may be accomplished to make available larger sums of money for road improvements than are now available, both by the liberalization of the conditions now imposed upon the State Highway Commission and the Boards of County Commissioners, and by the possible bonding and raising of funds by both the State and the Counties for the building of roads and highways and the improvement thereof; and

It appearing further that Legislative enactment is necessary to bring about the relief of those who were unfortunate enough to have lost their crops by drouth; and

It appearing further that since the adjournment of the last session of the Legislative Assembly the Congress of the United States has submitted to the several State Legislatures for ratification a proposed amendment to the Constitution extending the right of suffrage to women;

NOW, THEREFORE, I, S. V. Stewart, as Governor of the State of Montana, under and by virtue of the authority vested in me by the

Constitution and Statutes, do hereby convene the Sixteenth Legislative Assembly in Extraordinary Session at the City of Helena, the Capital of the State of Montana, at the hour of twelve o'clock, noon on

TUESDAY, THE TWENTY-NINTH DAY OF JULY, A.D. 1919, for the purpose of considering the contingencies and emergencies hereinbefore mentioned and is necessary for the enactment of laws on the following subjects:

First: To provide proper amendment to the road and highway laws and to the statutes governing the State Highway Commission and County Commissioners in the building and improvement of roads and highways in Montana.

Second: For the purpose of raising funds for the building and improvement of roads and highways in the State.

Third: To afford such relief as may be possible to the citizens of this State who are suffering on account of the loss of crops by drouth.

Fourth: To vote upon the question of the ratification of the proposed amendment to the Federal Constitution extending the right of suffrage to women.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State to be affixed.

(Seal)

DONE at the City of Helena, the Capital, this the seventeenth day of July, in the year of our Lord one thousand nine hundred nineteen and of the independence of the United States of America the one hundred forty-fourth.

By the Governor:

S. V. STEWART.

C. T. STEWART.

Secretary of State.

Extraordinary Session Laws

CHAPTER 1.

“An Act to Amend Sections 1 and 3, of Chapter 53, of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana Entitled: ‘An Act Providing for the Extension of the Time of Payment of County Seed Grain Loans Made Pursuant to the Provisions of Chapter 19 of the Extraordinary Session Laws of the Fifteenth Legislative Assembly of the State of Montana, and Providing for the Payment of Interest on Such Indebtedness.’ ”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 1 and 3 of Chapter 53 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, be and the same are hereby amended to read as follows:

Sections 1 and 3
of Law amended.

Section 1. That the Board of County Commissioners of any county in this state are hereby authorized, upon the written application of any farmer procuring seed grain under the provisions of Chapter 19 of the Extraordinary Session Laws of the Fifteenth Legislative Assembly of the State of Montana, to make an extension of the time of payment of the indebtedness of such farmer to the county until the 31st day of December in the year following the year in which said loan was made; provided, however, that, upon a similar application, the time of payment of such indebtedness may be extended to the 31st day of December of the year following any extension of time previously granted. The County Clerk is hereby authorized and directed to provide the necessary blanks for applications for extension and to assist any applicant in preparing such applications for presentation to the Board of County Commissioners. The making of any such extension shall rest in the discretion of the Board of County Commissioners.

Board of Com-
missioners may
extend time of
payment for seed
grain, when.

Additional exten-
sion authorized,
when.

Blank applica-
tions for exten-
sions.

Extension
discretionary.

Section 3. That any farmer, the payment of whose indebtedness to the county on account of such seed grain

Payment and
discharge of
indebtedness.

Effect of failure
to make payment
within time
extended.

Taxes upon
property covered
by liens and
incumbrances
may be paid by
whom.

Repealing clause.

loan has been extended by the Board of County Commissioners, may pay and discharge his indebtedness to the county by paying the principal of such indebtedness, together with interest thereon at the rate of seven per cent (7%) per annum from the date of such seed grain contract to the date of payment, provided, however, that such payment be made within the time so extended; and, if such payment is not made within the period of time as extended, the County Treasurer shall enter the same as delinquent taxes, adding the usual statutory penalty, and the property shall be sold for delinquent taxes at the same time and in the same manner that property is sold for delinquent taxes, but that any person holding or owning any of the liens or encumbrances mentioned as excepted in Section 23 of Chapter 19 of the Extraordinary Session Laws of the Fifteenth Legislative Assembly of the State of Montana, may pay the taxes upon the property covered by such lien, or encumbrance, without payment of such seed grain indebtedness.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved August 6, 1919.

CHAPTER 2.

An Act to Amend Section 7(a) of Chapter 170 of the Acts of the Fifteenth Legislative Assembly of the State of Montana, Entitled: "An Act to Establish a State Highway Commission, Defining Its Powers and Duties, and Providing for a State Highway Commission Fund, and Appropriating Money Therefor: Providing for Obtaining the Benefits of Federal Aid under the Act of Congress Approved July 11, 1916, and Repealing Chapter 78 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 7(a) of
law amended.

Contracts for
work upon state
highways.

Section 1. That Section 7(a) of Chapter 170 of the Acts of the Fifteenth Legislative Assembly of the State of Montana be amended so as to read as follows: "All contract for work on State Highways shall be let by the Executive Committee. Where the estimated cost of any

piece of work upon the State Highways shall exceed One Thousand Dollars (\$1000.00) it shall be the duty of the Executive Committee to let such contract by competitive bidding upon such notices and upon such terms as the Committee may by its rules and regulations prescribe, provided, that if the Executive Committee of the State Highway Commission shall find that such work may be done and performed by force account or by day's labor, in a more efficient manner they may so conduct the work, and provided further, that the State Highway Commission may use convict labor as, in their judgment, is deemed proper. A contractor upon being awarded a contract for construction, improvement or maintenance work upon a State Highway, and before entering upon such work, shall execute to the State of Montana a bond to be approved by the President and to be conditioned for the faithful discharge of his duties under such contract."

To be let by competitive bidding where amount exceeds \$1,000.

Days' and convict labor.

Bond of contractor.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved August 7, 1919.

CHAPTER 3.

An Act to Amend Section 29 of Chapter 209 of the Session Laws of the Sixteenth Legislative Assembly, the Same Being an Act Entitled: "An Act to Create a Grain Grading, Inspection and Warehousing Commission of the State of Montana, and Defining Their Powers and Duties; Conferring upon Said Commission the Power to Adopt the Federal Grades as Grain Standards of This State, now or Hereafter Established by the United States Department of Agriculture; to Establish State Grades for Other Grains and Empowering Said Commission to Adopt and Enforce Regulations for the Handling, Buying, Weighing, Inspection and Storage of Grains, and to Prescribe Penalties for Violations of Said Regulations; Also Providing for the Collection of such Fees as May be Prescribed by Said Commission; Conferring upon Said Commission Power to License the Operators of All Public Elevators, Warehouses or Other Persons in Operation and Control of Places Where Grain is Handled, Sold or Stored, and for the Licensing

of All Track Buyers, Dealers, Brokers and Other Persons Buying and Selling Grains, and Conferring Upon Said Commission Power to Revoke Such Licenses for Violation of the Rules and Regulations of the Commission: Providing for Bonds of All Elevator Operators, Warehouse Men, Track Buyers, Dealers, Brokers, and Other Persons Engaged in the Buying and Selling of Grain; Providing for the Appointment by Said Commission of a State Grain Inspector and Deputy Inspectors, and Conferring upon Said Commission Power to Fix the Salaries Thereof and to Remove Said Inspector and Deputy Inspectors for inefficiency or Misconduct; Providing for the Employment of Said Commission of Expert Tester of Scales at a Salary to be Fixed by Said Commission and Whose Duties Shall be Such as Prescribed by the Commission: Providing for the Employment by Said Commission of Competent Agents or Auditors, Who Shall be Authorized to Inspect all Books, Papers and Accounts of Licensees; Conferring Upon Said Commission Power to Require the Installation of Cleaners at all Elevators and Warehouses and the Return of the Dockage or an Equivalent Value Thereof to the Owner; Providing for the Appointment and Term of Office of the Members of said Commission and the Secretary Thereof, and all Officers, Clerks, Employees, Inspectors and Deputy Inspectors Necessary to the Carrying on of the Business and the Discharge of the Duties of said Commission, and Creating a Fund to be Known as the Grain Grading, Inspection and Warehousing Commission Fund, under the Control of the State Treasurer, out of which Fund all Salaries and Expenses of said Commission, Its Agents, Officers, Clerks, Inspectors and Employees Shall be Paid, and Providing for an Appropriation out of any Funds in the Public Treasury not Otherwise Appropriated, to Carry on the Preliminary Work of the Commission, until the Fund Created Under the Provisions of This Act are Available."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 29 of
law amended.

Section 1. That Section 29 of Chapter 209 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

“Section 29. On June 30th of each year every warehouse man shall make report, under oath, to the Commission, on blanks or forms prepared by it, showing the total weight of each kind of grain received and shipped from such warehouse licensed under this Act, and also the amount of outstanding storage receipts on said date and a statement of the amount of grain on hand to cover the same. The Commission may also require special reports from such warehouse men at such times as the Commission may deem expedient. The Commission may cause every warehouse and business thereof and the mode of conducting the same to be inspected by one or more of its members or by its authorized agent whenever deemed proper to, books, records, accounts, papers and proceedings of every such warehouse man shall at all times during business hours be subject to such inspection. Each person, firm, corporation or association of persons operating any public warehouse or warehouses subject to the provisions of this act, and every track buyer, dealer, broker, or commission man, or person or association of persons, merchandising in grain, shall, on or before the first day of July of each year, give a bond with good sufficient securities, to be approved by the Chairman of the Commission to the State of Montana, in such sum as the Commission may require, conditioned upon the faithful performance of the acts and duties enjoined upon them by law. Every person or persons, firm, co-partnership, corporation, or association of persons operating any public warehouse or warehouses, and every track buyer, dealer, broker, commission man, person or association of persons merchandising grain within the State of Montana, shall, on or before the first day of September, 1919, and on or before the first day of July each year thereafter, pay to the State Treasurer of the State of Montana a license fee in the sum of \$15.00 for each and every warehouse, elevator, or other place, owned, conducted or operated by such person or persons, firm, co-partnership, corporation, or association of persons, where grain is received, stored and shipped, and upon the payment of such fee of \$15.00 for each and every warehouse, elevator, or other place where grain is merchandised within the State of Montana, the Commission shall issue to such person or persons, firm, co-partnership, corporation, or association of persons, a license to engage in grain merchandising at the place designated within the State of Montana, for a per-

Annual report of
licensed ware-
housemen.

Special reports.

Inspection of
warehouses,
books, records,
etc.

Bond of those
subject to pro-
visions of Act,
to be given
when.

License fees.

Issuance of
license.

Penalty for doing
business without
a license.

iod of one year. Any person, firm, association or corporation who shall engage in or carry on any business or occupation for which a license is required by this Act, without first having procured a license therefor, or who shall continue to engage in or carry on any such business or occupation after such license has been revoked, (save only that a public warehouseman shall be permitted to deliver grain previously stored with him) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, and each and every day that such business or occupation is so carried on or engaged in shall be a separate offense.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved August 8, 1919.

CHAPTER 4.

An Act to Amend Section 3 and Section 7 of Chapter 4 of Chapter 141 of the Laws of the Fourteenth Legislative Assembly, Same Being Known as the General Highway Law Relating to Classification and Permanent Improvements of Public Highways, and to Add a Chapter Thereto to be Known as Chapter 12 Providing for Special Improvements on the Roads and Highways in Certain Districts as Amended by Chapter 172 of the Laws of the Fifteenth Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 3 of law
amended.

Section 1. That Section 3 of Chapter 4 of Chapter 141 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, as amended by Chapter 172 of the Laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Action to be
taken by county
commissioners
upon petitions for
change in or
discontinuance of
public highways.

Section 3. When any petition is filed as authorized in Section 2 of this Chapter, the Board of County Commissioners shall, at their next regular or special meeting, or at some date within thirty days thereafter, proceed and cause an investigation to be made as to the feasibility, desirability and cost of granting the prayer of said petition.

causing such investigation to be had as may be necessary to properly determine the merits or demerits of the petition.

Section 2. That Section 7 of Chapter 4 of Chapter 141 of the Session Laws of the Fourteenth Legislative Assembly of the State of Montana, as amended by Chapter 172 of the laws of the Fifteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Section 7 of law amended.

Section 7. If any award of damages is not accepted within twenty days from the date of the award, it shall be deemed rejected by the land owners. The Board must, by order, direct proceedings to procure the right of way to be instituted by the County Attorney of the County under and as provided in Title VII, Part III of the Code of Civil Procedure against all non-accepting land owners. When the Board of County Commissioners shall direct the County Attorney to institute proceedings to procure the right-of-way in pursuance of law as herein provided, the failure of the Board of County Commissioners to give any notices, or to do any act or thing necessary to be done as provided in the preceding sections of this Chapter, shall in no manner affect the proceedings instituted by the County Attorney to procure the right-of-way, and the failure of the Board of County Commissioners to give any notice hereinbefore required shall not invalidate the proceedings to procure the right-of-way as herein provided, or shall such failure to give any notice as hereinbefore in this Chapter provided be considered by the Court as a defense in any proceedings instituted for the purpose of procuring the right-of-way in conformity with Title VII, Part III of the Code of Civil Procedure and such proceeding when instituted, shall be had and taken as separate and apart from any Act of the Board of County Commissioners hereinbefore provided that the fact that rights of way sought to be secured shall have been declared by resolution of the Board of County Commissioners as necessary and desirable for the construction of a public highway shall be made to appear.

When award of damages deemed rejected.

Proceedings to secure right of way.

Validity of proceedings not affected by irregularities.

Such irregularities constitute no defense to action.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved August 9, 1919.

CHAPTER 5.

"An Act Providing for the Taxation of the Property of Freight Line Companies Doing Business in This State and Repealing Chapter 82, Acts of the Fifteenth Legislative Assembly of the State of Montana, Being an Act Entitled, 'An Act Providing a Method for the Assessment and Collection of a License Fee on Private Car Companies Doing Business in this State'."

Be it enacted by the Legislative Assembly of the State of Montana:

Freight line companies defined.

Section 1. Any person or persons, joint stock company, association or corporation, wherever organized or incorporated, engaged in the business of operating cars, or engaged in the business of furnishing or leasing cars, not otherwise listed for taxation in Montana, for the transportation of freight (whether said cars be owned by such company or any other person or company) over any railway line or lines, in whole or in part, within this State, such line or lines not being owned, leased or operated by such company, whether such cars be termed flat, coal, ore, tank, stock, gondola, furniture or refrigerator car, or by some other name, shall be deemed a freight line company.

Situs of cars for purposes of taxation declared.

Section 2. For the purpose of taxation all cars used exclusively within this state or used partially within and without this state, are hereby declared to have a situs in the state, the value of such property for the purpose of taxation to be determined as provided in Sections 3, 4 and 5 of this Act.

Determination of value of property.

Annual statement to be filed by freight line companies with state board of equalization.

Section 3. Every freight line company, as hereinbefore defined, shall, annually between the first and thirtieth days of April, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent, manager or chief officer of such association, joint stock company or corporation, if an association, joint stock company or corporation, file with the State Board of Equalization of this state a statement in such form as the commission may require and prescribe, showing the following:

Form and contents of statement.

1. The name of the person or persons, association, joint stock company or corporation.
2. Under the laws of what state or country organized or existing.
3. The location of its principal office.
4. The location of its principal office in this state, if any.

5. The name and post office address of the president, secretary, auditor, treasurer, superintendent, general manager, or chief officer.

6. The total gross earnings received from all sources from the operation of such freight line company within this state for the year next preceding the first day of April.

7. Such other facts and information as the Board may require in the form of return prescribed by it.

Section 4. That terms "total gross earnings received from all sources from the operation of such freight line company within this state", and "Total gross earnings", wherever used in this Act, are hereby declared and shall be construed to mean all earnings on business beginning and ending within the state, and a proportion, based upon the proportion of mileage over which said business is done, of all earnings on all interstate business passing thru or into or out of this state.

Construction of terms used in act relative to "earnings."

Section 5. The State Board of Equalization shall, on or before the first Monday of August in each year, proceed to ascertain and determine the total gross earnings of each freight line company from all sources from the operation of such freight line company within this state for the year preceding the first day of April, and the amount of such total gross earnings as so ascertained and determined by said Board shall be deemed and considered as the value for taxation of all cars operated, furnished or leased by such freight line company and having a situs for taxation in this state.

Determination of total gross earnings for purposes of taxation upon cars.

Section 6. In case of failure or refusal of any freight line company to make and file the statement required by Section 3 of this Act, or to furnish the board any information required by it, the board shall inform itself as best it may on the matters necessary to be known in order to determine the gross earnings of such freight line company.

Mode of determining gross earnings upon failure of company to file statement.

Section 7. The State Board of Equalization shall, immediately after the first Monday of August in each year, mail to each freight line company a statement showing the amount of the total gross earnings received from all sources from the operation of such freight line company within this state for such year as ascertained and determined by the Board, and such freight line company may, at any time before the third Monday in August, file with said board a protest in writing against such determination, and the board may, on the filing of such protest or

Annual statement of gross earnings to be mailed to freight line companies by board of equalization.

Protests against determination of board.

Review and correction of findings.

Failure to file protest precludes legal proceedings, when.

Power of board of equalization to compel production of evidence.

Refusal of company to produce evidence a misdemeanor.

Penalty for non-compliance.

Duty of board of equalization to enter upon books and certify to state treasurer amount of gross earnings.

Duty of state treasurer to collect 5 per cent. of certified value of cars.

on its own motion, review and correct its findings in such manner as may seem to it to be just and proper; provided, however, that no action of any kind shall be instituted or maintained by any freight line company to enjoin the collection of any tax, or to enjoin the sale of any property seized by the state treasurer on account of the non-payment of such tax unless such freight line company shall have filed with the State Board of Equalization a protest in the manner and within the time provided in this Section.

Section 8. The State Board of Equalization shall have power by subpoena to require the president, secretary, auditor, treasurer, superintendent, manager, chief officer, agent, receiver or other officer or employee of a freight line company, to attend before the Board and to bring with him for inspection any books or papers in his possession or under his control, and to testify under oath concerning any matter relating to the organization or business of such freight line company. Any person who shall fail, neglect or refuse to attend before the Board when subpoenaed to do so, or who shall fail, neglect or refuse to bring with him and submit for inspection by the Board any books or papers in his possession or under his control, affecting the organization or business of such freight line company, or who shall refuse to answer any question which may be asked him concerning the organization or business of such freight line company shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars (\$100) nor more than One Thousand Dollars (\$1000).

Section 9. The State Board of Equalization shall, immediately after the third Monday of August, or, if a protest has been filed by any freight line company, immediately after the Board has acted thereon, enter in a book provided for that purpose, the amount of the total gross earnings of each and every freight line company for the year next preceding the first day of April, as ascertained and determined by said Board under the provisions of this Act, and the Board shall immediately thereafter certify the same to the State Treasurer as the value for taxation of all cars, operated, furnished or leased by such freight line company in this state.

Section 10. It shall be the duty of the State Treasurer, not later than five o'clock P. M. of the 30th day of November, to collect from each freight line company five

per centum (5%) of the value of such cars of such freight line company, as certified to such state treasurer by the State Board of Equalization, as a tax thereon for the year preceding the first day of April of such year, which tax shall be in lieu of all other taxes on said cars of any freight line company paying the same; provided, however, that the payment of such tax shall not exempt such freight line company, if a corporation, from the payment of any corporation license tax required to be paid by corporations doing business in this State.

Amount to be in lieu of all other taxes.

Payment of tax does not exempt from payment of corporation license tax.

Section 11. If any tax required to be paid by any freight line company under the provisions of this Act shall not be paid before five o'clock P. M. of the 30th day of November, such tax shall become delinquent and the State Treasurer shall add thereto a penalty of ten per cent (10%) thereof, and such tax, with the penalty added thereto, shall bear interest at the rate of twelve per centum (12%) per annum until paid, and the state treasurer shall seize personal property belonging to such freight line company found within this state sufficient to pay the amount of such tax with penalty and interest. The State Treasurer, immediately after seizing such property, shall proceed to advertise such property for sale by publishing a notice for at least two times in a newspaper published in Lewis and Clark County, which notice shall describe the property seized, the amount of the tax and penalty for which the property has been seized, and the time, day and place when and where said property will be sold, and if the said tax and penalty, with the interest due thereon, is not paid before the time appointed for such sale, which shall not be less than ten days after the first publication of such notice, the State Treasurer shall proceed to sell such property or so much thereof as may be necessary, to pay such tax, penalty, interest and the costs of such seizure and sale, at public auction to the highest bidder.

When tax becomes delinquent.

Penalty and interest in case of delinquency.

Enforcement of tax, penalty and interest.

Notice of sale of property seized for delinquent taxes.

Sale of property.

Section 12. If the State Treasurer is unable to find within this state sufficient personal property belonging to such company charged with such tax to pay such tax with the penalty and interest thereon, he shall notify the attorney general of the amount of such delinquent tax with penalty and interest accrued thereon, and it shall be the duty of the attorney general to institute an action in the district court of Lewis and Clark County to collect the same, and upon the institution of any such action an

Legal proceedings to enforce payment of tax.

attachment may be issued and any real estate owned by such freight line company may be attached.

Disposition of
taxes.

Section 13. All taxes collected under the provisions of this Act shall be credited to the general fund of the State.

Repealing clause.

Section 14. Chapter 87, Acts of the Fifteenth Legislative Assembly, being an Act entitled "An Act providing a method for the Assessment and Collection of a license fee on Private Car Companies Doing Business in this State" is hereby repealed.

Section 15. This Act shall be in full force and effect from and after the first day of January, 1920.

Approved August 9, 1919.

CHAPTER 6.

"An Act to Amend Section 7737, Revised Codes of Montana, 1907, Relating to the Payment of Inheritance and Succession Taxes on Transfers of Stocks, Bonds, Obligated and other Personal Property in this State, by Foreign Executors, Administrators and Trustees of Non-resident Decedents."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 7737,
Revised Codes,
amended.

Section 1. That Section 7737, Revised Codes of Montana, 1907, be and the same is hereby amended so as to follows:—

Tax on stocks,
loans, etc., upon
transfer of prop-
erty by foreign
executors, admin-
istrators, or
trustees.

"Section 7737—Subdivision 1. Whenever a foreign executor, administrator or trustee shall assign or transfer any stocks, bonds, loans or obligations in this state, standing in the name of a decedent, or held in trust for a decedent, which shall be liable to any such tax, the tax shall be paid to the State Treasurer on the transfer thereof, and no assignment or transfer thereof shall be valid until such tax is paid.

Consent of state
treasurer neces-
sary to transfer
of property of
non-resident
decedent.

If any non-resident of this state dies owning personal property in this state, such property may be transferred or assigned by the personal representative of or trustee for the decedent, only after such representative or trustee shall have procured a certificate from the State Treasurer consenting to the transfer of such property. Such consent shall be issued by the State Treasurer only in case there is no tax hereunder, or in case there is a tax, when the same shall have been paid.

Conditions upon
which consent
may be given.

Any personal representative, trustee, heir or legatee of a non-resident decedent desiring to transfer personal property, having its situs in this state, may make application to the State Treasurer for the determination of whether there is any tax due on account of the transfer of the decedent's property, and such applicant shall furnish to the State Treasurer therewith an affidavit setting forth a description of all of the property owned by the decedent at the time of his death, and having its situs in this State; the true value of said property at the time of said decedent's death; a description of and statement of the true value of all property owned by the decedent at the time of his death and having its situs outside the State of Montana, and containing a schedule or statement of all valid claims against the estate of the decedent, including the expenses of his last illness and funeral and the expenses of administering his estate. Such applicant shall also, at the same time, furnish the state treasurer with a certified copy of the last will of the decedent, in case he died testate, or an affidavit setting forth the names, ages, residences of the heirs at law of the decedent in case he died intestate, and the proportion of the entire estate of said decedent inherited by each of said persons, and the relation, if any, which each legatee, devisee, heir or transferee sustained to the decedent or person from whom the transfer was made. Such affidavit shall be subscribed and sworn to by the personal representative of the decedent or some other person having knowledge of the facts therein set forth.

The statements contained in any affidavits, statements or schedules as to value or otherwise shall not be binding on the State Treasurer in case he believes the same to be erroneous or untrue. From the information so furnished him, and such other information as he may be able to obtain with reference thereto, the State Treasurer shall, with reasonable diligence proceed to ascertain and determine the amount of tax, if any, due under the provisions of this Act, and notify the person making the application, of the amount thereof. On payment of the tax so ascertained and determined to be due, or in case there is no tax to be paid, the state treasurer shall issue a consent to the transfer of the property so owned by the decedent.

No corporation organized under the laws of this state shall transfer on its books any shares of its capital stock or any of its bonds or obligations standing in the name of a non-resident decedent, or held in trust for a non-resident

Application to determine whether tax is due.

Application must be accompanied by affidavit showing status of property.

Must also be accompanied by copy of last will or an affidavit showing certain facts.

Statements contained in affidavits not binding on state treasurer, when.

Determination of amount of tax by state treasurer.

Consent to issue, when.

Corporations must obtain consent of state treasurer to transfer shares of stock, when.

Penalty for violation of section.	decedent, without the consent of the state treasurer first procured as hereinbefore provided for. Any corporation violating the provisions of this section shall be liable to the state for the amount of any tax due on a transfer of any such shares of stock, bonds or obligations and in addition thereto a penalty of ten per centum of the amount of such tax to be recovered in a civil action in the name of the state.
Appeal to district court from determination of treasurer.	Any person aggrieved by the determination of the state treasurer in any matter herein provided for in this section may, within twenty days thereafter, appeal to the District Court of Lewis and Clark County, Montana, by serving on the State Treasurer a notice in writing setting forth his objections to such determination and that he appeals therefrom, and filing such notice, after so serving the same, in the office of the Clerk of the District Court of said Lewis and Clark County, and thereupon, and within ten days after service of such notice on him, the state treasurer shall transmit the original papers and records, which have been filed with him in relation to such application for consent, to the Clerk of said District Court, and thereupon said District Court shall have jurisdiction of such application and proceeding. Upon ten days notice given by either the appellant or the state treasurer, the matter may be brought on for hearing and determination by said court, either in term time or in vacation, at a general or special term of court, or at chambers, as may be directed by the order of the court. The court may determine any and all questions of law and fact necessary to the enforcement of the provisions of this Act according to its intent and purpose, and may by order direct the correction, amendment or modification of any determination made by the State Treasurer.
Mode of perfecting appeal.	
Hearing and determination of appeal.	
Court may determine what.	
Rules governing hearing upon appeal.	On such hearing either party may introduce the testimony of witnesses and other evidence in the same manner and subject to the same rules which govern in the trial of civil actions. When necessary, the court may adjourn or continue its hearings from time to time, to enable the parties to secure the attendance of witnesses, or the taking of depositions. Depositions may be taken and used in such proceedings in the same manner as is now provided by law for the taking and using of depositions in civil actions.
Depositions.	
Appeal to supreme court.	The state treasurer, or any person aggrieved by the order of the district court may appeal to the supreme

court from any such order made by said district court, within the time and in the manner now provided by law for the taking of appeals from orders in civil actions.

Sub-division 2. The state shall be entitled to sixty per centum (60%) of every tax collected by the state treasurer under the provisions of this section, and the county in which the property is situated, or in which the principal place of business of the corporation issuing the stocks, bonds or obligations transferred is situated, shall be entitled to forty per centum (40%) thereof, and the state treasurer, upon receiving payment of any such tax, shall immediately deposit sixty per centum (60%) thereof in the state treasury to the credit of the general fund of the state, and transmit forty per centum (40%) thereof to the county treasurer of the county entitled thereto.

Proportion of tax to which state and county are entitled.

Duty of state treasurer respecting tax collected.

Any person or body politic or corporate, shall, upon the payment of the sum of fifty cents, be entitled to a copy of any consent issued by the state treasurer under the provisions of this section, which amount shall be by the state treasurer deposited to the credit of the general fund of the state."

Fee for copy of state treasurer's consent.

Disposition of fees.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved August 9, 1919.

CHAPTER 7.

"An Act to Amend Section 3116 of the Revised Codes of the State of Montana, as Amended by Section 1 of Chapter 221 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, Relating to the Salaries of County Officers."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3116 of the Revised Codes of the State of Montana, as amended by Section 1 of Chapter 221 of the Session Laws of the Sixteenth Legislative Assembly be, and the same is hereby amended to read as follows:—

Section 3116, Revised Codes, amended.

"Section 3116. The County officers are entitled to receive an annual compensation or salary for services according to the following classification, to-wit:—

Salaries of county officers classified.

Salaries in
counties of first
class.

FIRST CLASS.

Treasurer, Three Thousand Five Hundred Dollars.
Sheriff, Four Thousand Five Hundred Dollars.
Assessor, Three Thousand Five Hundred Dollars.
County Clerk, Three Thousand Five Hundred Dollars.
County Auditor, Three Thousand Dollars.
Clerk of the District Court, Three Thousand Five Hundred Dollars.
County Attorney, Three Thousand Five Hundred Dollars.

Salaries in
counties of
second class.

SECOND CLASS.

Treasurer, Three Thousand Dollars.
Sheriff, Three Thousand Five Hundred Dollars.
Assessor, Three Thousand Dollars.
County Clerk, Three Thousand Dollars.
County Auditor, Two Thousand Five Hundred Dollars.
Clerk of the District Court, Three Thousand Dollars.
County Attorney, Three Thousand Dollars.

Salaries in
counties of third
class.

THIRD CLASS.

Treasurer, Three Thousand Dollars.
Sheriff, Three Thousand Five Hundred Dollars.
Assessor, Two Thousand Seven Hundred Fifty Dollars.
Auditor, Two Thousand Two Hundred Fifty Dollars.
County Clerk, Three Thousand Dollars.
Clerk of the District Court, Three Thousand Dollars.
County Attorney, Three Thousand Dollars.

Salaries in
counties of
fourth class.

FOURTH CLASS.

Treasurer, Two Thousand Five Hundred Dollars.
Sheriff, Two Thousand Seven Hundred Fifty Dollars.
Assessor, Twenty-five Hundred Dollars.
Auditor, Two Thousand Two Hundred Fifty Dollars.
County Clerk, Two Thousand Five Hundred Dollars.
Clerk of the District Court, Two Thousand Five Hundred Dollars.
County Attorney, Two Thousand Five Hundred Dollars.

Salaries in
counties of fifth
class.

FIFTH CLASS.

Treasurer, Two Thousand Five Hundred Dollars.
Sheriff, Two Thousand Seven Hundred Fifty Dollars.
Assessor, Two Thousand Two Hundred Fifty Dollars.
Auditor, One Thousand Seven Hundred Fifty Dollars.
County Clerk, Two Thousand Dollars.

Clerk of the District Court, Two Thousand Five Hundred Dollars.

County Attorney, Two Thousand Dollars.

SIXTH CLASS.

Salaries in
counties of sixth
class.

Treasurer, Two Thousand Dollars.

Sheriff, Two Thousand Two Hundred Fifty Dollars.

Assessor, One Thousand Eight Hundred Dollars.

County Clerk, Two Thousand Dollars.

Clerk of the District Court, One Thousand Eight Hundred Dollars.

County Attorney, One Thousand Eight Hundred Dollars.

SEVENTH CLASS.

Salaries in
counties of
seventh class.

Treasurer, One Thousand Eight Hundred Dollars.

Sheriff, Two Thousand Dollars.

Assessor, Fifteen Hundred Dollars.

County Clerk, One Thousand Eight Hundred Dollars.

Clerk of the District Court, One Thousand Eight Hundred Dollars.

County Attorney, One Thousand Five Hundred Dollars.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved August 9, 1919.

CHAPTER 8.

“An Act to Enable the Counties of the State of Montana to Provide for any of their Inhabitants, Who by Reason of Misfortune Resulting from Drought, Hail or Unfavorable Climatic Conditions, Have Been Rendered Destitute or in Need of Aid, Authorizing the Incurring of Indebtedness by Counties for such Purpose; Providing for Special Elections When the Amount of Such Indebtedness Will Exceed the Sum of Ten Thousand Dollars; Providing for the Issuance of Warrants and the Issuance and Sale of Funding Bonds for the Purpose of such Relief; Providing for the Levy of Taxes for the Payment of Such Warrants and Bonds and Interest Thereon; Authorizing Boards of County Commis-

sioners to Give Effect to the Terms of this Act; Providing Penalties for the Violation of this Act and Repealing all Acts in Conflict Herewith."

Be it enacted by the Legislative Assembly of the State of Montana:

County Commis-
sioners author-
ized to furnish
relief to
inhabitants suf-
fering from
drought or other
climatic condi-
tions.

Section 1. That to enable the several counties of the State of Montana to provide relief for their inhabitants, who by reason of misfortune, are entitled to the aid of society, the boards of County Commissioners of all counties in this state, upon petition as hereinafter provided for, are hereby authorized to purchase and provide seed grain, feed, provisions and other necessary supplies, and to furnish the same to the inhabitants of their several counties who, by reason of drouth, hail or other unfavorable climatic conditions, have been rendered financially unable to procure the same.

Petitions for
relief.

Signatures to
petitions.

Section 2. Petitions for such relief must be in writing and signed by not less than one hundred free-holders residing in a county and must be filed with the County Clerk of such county; Provided, however, that the signature need not be appended to one paper, but each signer shall add to his signature his post office address and the number of his voting precinct, and all such papers when bound or fastened together and filed shall constitute and be considered as one petition.

Special meeting
of board for
consideration of
petitions.

Notice of
meeting.

When two
members of board
may act.

Notice of
meeting may be
dispensed with by
unanimous
consent.

Proceedings at
meeting for
consideration of
petitions.

Section 3. Upon the filing of such petition with the County Clerk such officer must forthwith call a special meeting of the Board of County Commissioners of such county to consider such petition, and the date fixed for such meeting shall be not more than five days after the filing of such petition. Written notice of the calling of such special meeting shall be given each member of the Board by the County Clerk by delivering such notices personally or by registered mail; Provided, however, that if any one member shall fail to attend such meeting by reason of not receiving such notice, or for any other reason, the other two members of said board may hold such meeting; and provided, further, that notice of such meeting may be dispensed with by the unanimous consent of all of the members of such board, which consent must be entered on the minutes of such meeting.

Section 4. At such meeting the board shall examine such petitions and make or cause to be made such investigation as may be necessary for the board to ascertain and determine whether or not it is necessary that such county supply and furnish any of its inhabitants with seed grain,

feed, provisions or other supplies. If a majority of the board shall find and determine from such investigation that it is necessary for such county to do so, the board shall make an order granting such petition and shall make an estimate of the quantity of seed grain, feed, provisions or other supplies required for such purpose, and also of the amount of indebtedness the county will be required to incur in order to supply the same. The findings and determination of the board, together with its estimates, and the order granting the petition shall be entered on the minutes of the board.

Order granting petition.

Section 5. If the said estimate of the amount of indebtedness required to be incurred does not exceed the sum of Ten Thousand (\$10,000.00) Dollars, and together with the then existing indebtedness of such county does not exceed the constitutional limit of indebtedness, the Board of County Commissioners shall proceed to purchase the seed grain, feed, provisions or other supplies, and to furnish and supply the same in the manner hereinafter provided. Said relief shall be furnished to applicants therefor of the class specified in this Act, who are inhabitants of such county, and who have filed the application and statement hereinafter specified; provided, however, that such county shall not incur an indebtedness for such purpose in excess of ten thousand (\$10,000.00) dollars, except as hereinafter provided.

Purchase of seed grain, feed, and supplies to furnish relief, when to be made.

To whom relief shall be furnished, and upon what conditions.

Limit to amount which may be expended for purpose.

Section 6. If the estimate of the Board of County Commissioners of the amount of indebtedness which the county will be required to incur in order to supply and furnish the relief herein provided for exceeds the sum of ten thousand dollars, the board must forthwith call a special election for the purpose of submitting to the electors of such county the question of whether or not such county shall incur an indebtedness to the amount of such estimate, or if the amount of such estimate together with the then existing indebtedness of such county will exceed the constitutional limit of indebtedness, then in any amount less than the amount of such estimate and which will not, together with the then existing indebtedness of such county exceed the constitutional limit of indebtedness, for the purpose of furnishing and supplying the relief herein provided for to the inhabitants of such county and who are financially unable to procure the same; provided, however, that such election may be held at the same time as any other special election called for any purpose.

Special election to be called when amount required exceeds \$10,000 or constitutional limit of indebtedness.

May be held as other special elections.

Time of holding
election.

Notice of
election.

Contents of
election procla-
mation.

Conduct of
election.

Laws not
applicable to
election.

Closing of
registration.

Persons entitled
to vote.

Section 7. Said special election shall be called for a day not less than fifteen days nor more than thirty days after the day on which the order is made by such board for the holding of such special election, and the board shall give notice of the calling of such election by issuing an election proclamation, which proclamation shall be published two successive times in the newspaper published in such county having the contract for publishing official notices of such county, if such newspaper be published weekly, but if it be published daily, then eight successive insertions thereof, and copies of such proclamation shall be posted in three public places in each voting precinct in such county at least ten days before the day on which such election is to be held. Said proclamation shall clearly state the amount of indebtedness to be incurred, the purpose of which said indebtedness is to be incurred, the day on which such election is to be held, and the hours when the polls will be open, and no other notice shall be given of the calling or holding of such election.

Section 8. Said election, except as herein otherwise provided, shall be held and conducted, and the returns thereof made and canvassed in all respects in the manner prescribed by law in regard to the submission of questions to the elector of a county under the general election law.

Section 9. None of the provisions of Section Sixteen and Seventeen of Chapter One Hundred Twenty-two, Acts of the Fourteenth Legislative Assembly of the State of Montana shall apply to said election, but the county clerk shall close registration for such election at five o'clock P. M. on the eleventh day before the day on which said election is to be held, and all electors whose names shall appear on the registration books of such county at the time the same are closed for such election shall be entitled to vote at such special election; Provided, however, that if any person whose name does not appear on the register of voters for the precinct in which such person resides, shall request the judges of election for such precinct to permit him to vote at such election, such judges shall enter the name of such person upon the register of voters for such precinct upon such person taking the oath, answering the questions and complying with such other provisions of Section Seven of said Chapter One Hundred Twenty-two, Acts of the 14th Legislative Assembly, as are required for registration, and there-

upon such person shall be permitted to vote at such election. The judges of election for each election precinct are hereby designated and appointed Deputy Registrars, within their respective election precincts, for the purpose of carrying out the provisions of this section, and shall have all the powers and perform all of the duties of the Registrar authorized and required by said Chapter One Hundred Twenty-two, Acts of the 14th Legislative Assembly. The Judges of election shall, at the same time and in the same manner the election returns of such election are delivered or mailed to the county clerk, deliver or mail to the county clerk all affidavits and registry cards made and filled out before them at such election. The County Clerk shall provide such election judges with a suitable number of blank affidavits and registry cards for use in their respective precincts during such election.

Judges of election designated as deputy registrars for compliance with section.

Return of affidavits and registry cards.

Duty of county clerk to furnish blanks.

Section 10. The ballots for such special election shall conform as near as possible with the ballots used at general elections and shall have printed thereon in fair sized legible type and black ink, in one or more lines as required, the words "for incurring an indebtedness not exceeding the sum of (stating the amount) for the purpose of purchasing seed grain, feed, provisions and other necessary supplies to be furnished and supplied by the county to its inhabitants who are financially unable to procure the same and who have been reduced to such condition by reason of drouth, hail or other unfavorable climatic conditions." And thereunder in one or more lines as required the words, "Against incurring an indebtedness not exceeding the sum of (stating the amount) for the purpose of purchasing seed grain, feed, provisions and other necessary supplies to be furnished and supplied by the county to its inhabitants who are financially unable to procure the same and who have been reduced to such condition by reason of drouth, hail or other unfavorable climatic conditions." There shall be placed before the word "for" and before the word "against" each, a square space of sufficient size to place a cross or "X" therein.

Form of ballot

Section 11. If a majority of the votes cast at such special election are in favor of such indebtedness being incurred, then the Board of County Commissioners shall proceed to purchase and procure the seed grain, feed, provisions or other supplies and to furnish and supply the same in the manner hereinafter provided to applicants therefore who are inhabitants of the county, who are in

Duty of county commissioners to furnish relief when majority vote favors proposition.

need of such relief, who have made application therefor as hereinafter provided, who are financially unable to procure such relief and who have been reduced to such condition by reason of drouth, hail or other unfavorable climatic conditions; provided, however, that no indebtedness shall be incurred for such purpose in excess of the amount authorized by such special election.

Mode of purchasing supplies.

Section 12. The Board of County Commissioners shall not be required to advertise for bids for the furnishing of the relief herein provided for to the county, nor to purchase the total amount required from any one individual, co-partnership, firm, association or corporation, nor to purchase at one time the whole amount or quantity required, but such articles must be purchased at the lowest price at which they can be obtained, and may be purchased from different individuals, co-partnerships, firms, associations and corporations and at such times and in such amounts and quantities as the same may be required from time to time.

Warrants upon "Special Relief Fund."

Section 13. In payment for the articles purchased by such county under the provisions of this Act, warrants shall be ordered drawn against a fund to be known as the "Special Relief Fund," which said warrants shall be registered by the County Treasurer of such county, and shall bear interest at the rate of not to exceed seven per cent per annum from the date of registration thereof, until called for payment by the County Treasurer.

Issue, sale, or exchange of county bonds to fund outstanding warrants.

Section 14. Whenever there are any warrants outstanding drawn against the "Special Relief Fund" and there is insufficient money in such fund to pay said warrants with the interest thereon, the Board of County Commissioners, whenever such board deems it advisable to do so, may issue and sell, or exchange bonds of said county for the purpose of funding such outstanding warrant indebtedness; provided, however, that it shall not be necessary for the Board of County Commissioners to submit to the electors of the county the question of whether or not such bonds shall be issued and sold or exchanged for the purpose of funding such outstanding warrant indebtedness.

Submission of question to electors unnecessary.

Denomination, rate of interest, form, etc., of bonds.

Section 15. Such bonds shall be in denominations of One Thousand Dollars, shall bear a rate of interest to be fixed by the board, not exceeding seven per cent per annum, represented by interest coupons payable semi-annually at such place and at such times as shall be determined by the board, and all of such bonds shall become

due and payable in not less than two nor more than five years from the date thereof, the date of maturity to be fixed by the board.

Section 16. The board must prescribe the form of such bonds and each bond and all coupons attached thereto must be signed by the chairman of the board and by the County Treasurer, and each bond and coupon must be countersigned by the County Clerk, and each bond sealed by him; provided, a lithographic or engraved fac-simile of the signature of the chairman of the board, County Treasurer and County Clerk may be affixed to the coupons only when so recited in the bond. Each bond issued must be registered by the County Treasurer in a book provided for that purpose, which must show the number and amount of each bond, and when and to whom issued.

Form and execution of bonds.

Registration of bonds.

Section 17. The Board must provide suitable bonds, with coupons attached, to be printed or lithographed, and must pay therefor out of the Special Relief Fund.

Printing of bonds.

Section 18. All such bonds must be advertised for sale, sold or exchanged, the proceeds thereof applied, and said bonds and interest coupons redeemed and paid, and record thereof kept in the manner provided by Sections 2907, 2908, 2909, 2911, 2913 and 2914 Revised Codes, 1907.

Laws applicable to sale or other disposition of bonds.

Section 19. When warrants have been drawn and issued against said Special Relief Fund, and such warrant indebtedness has not been funded by the issuance and sale or exchange of bonds as provided in this Act, the Board of County Commissioners must, at the time and in the manner other taxes are levied, levy a tax upon the taxable property in said county in addition to other taxes sufficient to pay such outstanding warrants and the interest thereon, provided, however, that the board shall not be required to levy during any one year an amount sufficient to pay all of such outstanding warrant indebtedness and interest, but may levy such tax during succeeding years; provided, further, that such tax shall be in such amount during each year that all of said warrants with the interest thereon shall be fully paid within three years. Such tax, when collected, shall be paid into the Special Relief Fund, and shall be used for no other purpose than the payment of warrants drawn against such fund and the interest thereon.

Tax levy for payment of warrants drawn against "Special Relief Fund."

Provisos regarding tax levy.

Disposition of proceeds of tax.

Section 20. If such warrant indebtedness has been funded by the issuance and sale or exchange of bonds in

Tax levy to provide a "Special Relief Bond Fund."

the manner provided by this Act, the Board of County Commissioners must, annually, at the time and in the manner other taxes are levied, levy a tax upon the taxable property in such county in addition to other taxes, sufficient to pay the interest on all such bonds, as the same becomes due, and also sufficient to provide a proportionate amount of the total amount required for the redemption of such bonds as the same become due, or are called in for payment, according to the conditions thereof, and such tax when collected must be set apart in a fund known as the "Special Relief Bond Fund" and used for no other purpose than the payment of such bonds and interest accruing thereon.

Application for relief.

Contents of application.

Section 21. All inhabitants of such county, who by reason of drouth, hail or other unfavorable climatic conditions, are financially unable to procure the relief herein authorized, and who desire to avail themselves of the benefits of this Act shall file with the County Clerk of the county in which such applicant resides, an application duly sworn to before said County Clerk or some other officer authorized to administer oaths. Said application shall state that because of misfortune resulting from drouth, hail or other unfavorable climatic conditions (stating the precise condition responsible for the misfortune) the applicant has not procured and is financially unable to procure the seed grain, feed, provisions or other supplies applied for; that the applicant desires the same for his own use or support or for the use or support of his family or dependents residing in the State of Montana; that such relief is needed at once; that the same cannot be procured from any other source known to the applicant; and that the applicant will not sell or dispose of the same or any part thereof. In case the application be for seed grain it shall also state the following matters, to-wit: The number of acres owned by applicant; the number of acres plowed or prepared for seeding; the number of acres intended to be plowed or prepared for seeding; the amount and kind of grain required; the amount and kind of grain if any, harvested by applicant the preceding season, and the amount and kind of grain if any in his possession. Said application shall also in such case contain an agreement that the applicant will use the seed grain furnished and all thereof in seeding his land at the next ensuing planting season. Said application shall also in all cases contain a true and full description of all

Additional matters to be stated in application for seed grain.

real and personal property owned by the applicant, if any, and the incumbrances thereon, together with a true description of the land upon which seed grain is agreed to be sown. No application shall be considered by the Board of County Commissioners unless made out and filed as prescribed in this section.

Section 22. The Board of County Commissioners shall constitute a board of examination and adjustment and shall examine and adjust and approve or disapprove all applications filed under the provisions of this Act. Said Board shall meet at such time or times as the board may deem necessary at the regular meeting place of the Board of County Commissioners, and examine and consider separately each and every application filed and determine who are entitled to receive relief from such county, and the amount to which each applicant is entitled; provided, however, that no one applicant shall be entitled to receive relief exceeding in value the sum of One Thousand Dollars. On each application shall be endorsed the approval, or disapproval of the board, and if approved, the quantity and kinds of relief for which the same is approved, which endorsement shall be signed by the chairman of the board, and all applications shall, immediately after being acted upon by the board, be delivered to the County Clerk.

Duties of county commissioners with respect to applications.

Section 23. The County Clerk shall, as soon as said board has delivered the applications to him, upon demand of each applicant whose application has been approved by said board, issue to such applicant an order for the relief which has been allowed to said applicant, unless otherwise directed by the Board of County Commissioners, or Chairman thereof. The applicant for relief shall before receiving such order execute to the county and deliver to the Board of County Commissioners his promissory note, and if a married man same shall be endorsed by his wife, for the cost of the seed grain, feed, provisions or other supplies ordered to be delivered to him. Such note shall bear interest at the rate of six per cent and shall in ordinary cases be due in one year from its date; provided, however, that in all cases it shall be optional with the Board of County Commissioners in the exercise of its discretion to authorize the giving of said note for a longer period of time or to modify the conditions of said note in any manner deemed advisable by the board. Provided, further, that in all cases where applications are

County clerk to issue orders for relief, when.

Applicants must execute promissory note to be entitled to relief.

Conditions of promissory note.

Investigation of financial condition of applicant.

Relief may be refused and applicant relegated to Seed Grain Law, when.

Declaration of purpose of act.

Security may be required of applicant, when.

Penalty for disposing of supplies furnished by way of relief.

False swearing perjury.

Duty of officers to prosecute violations of act.

made for seed grain under the terms of this Act it shall be the duty of the Board of County Commissioners to investigate the financial condition and prospects of the applicant. If, after such investigation the board is satisfied that the applicant is the owner of land or other property upon which he is able to give security for the relief extended, or that there is a reasonable probability that the applicant will be able to repay the amount of said relief out of his crop to be raised the ensuing year it shall be optional with said board to refuse relief under the terms of this Act and to require the applicant to avail himself of the terms of the seed grain law, being Chapter 19 of the Laws of the Fifteenth Extraordinary Session of the State of Montana of 1918, It is expressly declared that the purpose of this act is to extend relief to financially destitute persons only, and that in all cases where applicants for seed grain are unable to give the contract and security provided for in said Chapter 19 of the Laws of the Fifteenth Extraordinary Session of 1918, that he shall be required to obtain relief under the terms of said Act.

Provided further, that in those counties where no provision has been made for seed distribution under the Seed Grain Law provided in Chapter 19 of the Laws of the Fifteenth Extraordinary Session of 1918, the Board of County Commissioners shall investigate the financial conditions and prospects of the applicant and request such security from the applicant as they see fit.

Section 24. Any person who shall sell, transfer, or in any manner dispose of any seed grain, feed, provisions or other supplies, or any part thereof, furnished to him by the county under the provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment, and any person who shall be guilty of false swearing in his application for relief under the terms of this Act shall be deemed to have committed perjury and shall upon conviction suffer the penalties of that crime.

Section 25. It shall be the duty of Boards of County Commissioners, constables, sheriffs and county attorneys to diligently inquire into and prosecute all violations of any of the provisions of this Act.

Section 26. If more relief is applied for than can be supplied by the Board of County Commissioners of any county under the provisions of this Act a pro rata distribution shall be made among those who shall be found entitled to the benefits of this Act. The Board shall have the right to refuse or disapprove any application which it may deem improper to grant and may revise its adjustment of applications at any time before final distribution. All relief shall be furnished at actual cost including transportation and handling charges.

Pro rata distribution of relief when amount applied for cannot be furnished.

Control of board over applications.

Relief to be furnished at actual cost, etc.

Section 27. All money received by the County Treasurer in payment for relief furnished under the provisions of this Act and in payment of interest thereon, shall, if the warrant indebtedness incurred by the county in the purchase of such seed grain has not been funded by the issuance and sale or exchange of bonds, be paid into and become a part of the "Special Relief Fund," but if such warrant indebtedness has been funded by the issuance and sale or exchange of bonds, then such money shall be paid into the "Special Relief Bond Fund."

Moneys received by county treasurer payable into what funds, and when.

Section 28. In case the amount of money received by the County Treasurer in any one year in payment for articles furnished under the provisions of this Act shall be sufficient to pay all outstanding warrants and interest thereon, if such warrant indebtedness has not been funded by the issuance and sale or exchange of bonds, or shall be sufficient to pay the interest on and place in the bond fund a proportionate amount of the total amount required for the payment and redemption of the bonds, if such warrant indebtedness has been funded by the issuance and sale or exchange of bonds, then no tax shall be levied for such purpose in that year, and in no year shall there be a greater tax levied than will, together with the balance then on hand in the County Treasury, be sufficient to pay the interest and principal of all warrants or bonds then outstanding.

Tax levy may be dispensed with, when.

Annual tax levy limited to what amount.

Section 29. If such warrant indebtedness shall be funded by the issuance and sale or exchange of bonds, and there shall at any time be insufficient money in the "Special Relief Bond Fund" with which to pay any interest on such bonds when the same becomes due, the Board of County Commissioners may order that sufficient money for such purpose be transferred from the general fund of the county to the "Special Relief Bond Fund," but such amount so ordered transferred shall, whenever

Transfer of moneys from general fund to "Special Relief Bond Fund."

there is thereafter sufficient money in the "Special Relief Bond Fund," be, by order of the Board of County Commissioners, re-transferred to the general fund.

Balance in "Special Relief Fund" to be transferred to general fund of county, when,

Section 30. Any balance remaining in the "Special Relief Fund" of any county, after the necessity for aiding needy farmers shall have passed, and all warrants and bonds issued under the provisions of this Act shall have been paid and retired, shall be, by the County Commissioners, transferred to the General Fund of such county.

Liberal construction of act.

Section 31. This Act, and all of its provisions shall be liberally construed so as to effectuate its purpose, and a failure to give any of the notices herein provided for, or to perform any of the Acts herein required, within the exact time prescribed shall not invalidate any election held hereunder, or any warrants or bonds issued, provided there has been a substantial compliance with the provisions of this Act except as to time.

Construction of act in relation to of 1918.

Section 32. It is expressly declared that this Act does not repeal or in any way modify or effect the provisions of Chapter 19 of the Laws of the Fifteenth Extraordinary Session of the State of Montana of 1918, but that insofar as the furnishing of seed grain is concerned this Act is cumulative to the former Act and provides an additional method by which seed grain relief may be procured by those in destitute circumstances.

Repealing clause.

Section 33. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 34. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 9.

"An Act to Amend Section 3358 of the Revised Codes of 1907, as Amended by Section 1 of Chapter 1 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, Relating to Taxation."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 3358, Revised Codes amended.

Section 1. That Section 3358 of the Revised Codes of 1907 of the State of Montana, as amended by Section 1 of Chapter 1 of the Session Laws of the Sixteenth Legislative Assembly be, and the same is hereby amended to read as follows:

"Section 3358. Annual Tax Levy. The Council must, on or before the first Monday of October of each year, by resolution, determine the amount of city or town taxes for all purposes, to be levied and assessed on the taxable property in the city or town for the current fiscal year, and the city clerk must at once certify to the County Treasurer a copy of such resolution, and the County Treasurer must collect the taxes as in this Article provided; provided, that in cities where the council has provided by ordinance for the collection of their taxes by the city treasurer, the city clerk must certify a copy of such resolution to the city treasurer."

Annual levy of city and town taxes, when to be made.

Certification of resolution to county treasurer.

Duty of county treasurer to collect taxes.

City treasurer to collect taxes, when.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 10.

"An Act to Amend Sections 3, 8 and 17 of Chapter 209, Acts of Sixteenth Legislative Assembly of the State of Montana, being an Act Entitled: 'An Act to Create a Grain Grading, Inspecting and Warehousing Commission of the State of Montana, and Defining Their Powers and Duties; Conferring upon Said Commission the Power to adopt the Federal Grade as Grain Standards of this State, now or Hereafter Established by the United States Department of Agriculture; to Establish State Grades for other Grains and Empowering said Commission to Adopt and Enforce Regulations for the Handling, Buying, Weighing, Inspection and Storage of Grains, and to Prescribe Penalties for Violations of Said Regulations; also Providing for the Collection of Such Fees as may be Prescribed by said Commission: Conferring upon said Commission Power to License the Operators of all Public Elevators, Warehouses or other Persons in Operation and Control of Places Where Grain is Handled, Sold or Stored, and for the Licensing of all Track Buyers, Dealers, Brokers and other Persons Buying or Selling Grain and Conferring upon Said Commission Power to Revoke such Licenses for Violation of the Rules and Regulations of the Commission; Providing for Bonds of all Elevator Operators.

Warehouse Men, Track Buyers, Dealers, Brokers and other Persons Engaged in the Buying and Selling of Grain; Providing for the Appointment by said Commission of a State Grain Inspector and Deputy Inspectors, and Conferring upon said Commission Power to fix the Salary Thereof and to Remove said Inspector and Deputy Inspectors for Inefficiency or Misconduct; Providing for the Employment by said Commission of Expert Tester of Scales at a Salary to be Fixed by said Commission and whose Duties shall be Such as Prescribed by the Commission; Providing for the Employment by said Commission of Competent Agents or Auditors who shall be Authorized to inspect all Books. Papers and Accounts of Licensees; Conferring upon said Commission Power to Require the Installation of Cleaners at all Elevators and Warehouses and the Return of the Dockage or an Equivalent Value Thereof to the Owner; Providing for the Appointment and Term of Office of the Members of said Commission and the Secretary Thereof, and all Officers, Clerks, Employees, Inspectors and Deputy Inspectors Necessary to the Carrying on of the Business and the Discharge of the Duties of said Commission, and Creating a Fund to be Known as the Grain Grading, Inspection and Warehousing Commission Fund, under the Control of the State Treasurer, out of which Fund all Salaries and Expenses of said Commission, its Agents, Officers, Clerks, Inspectors and Employees shall be paid, and Providing for an Appropriation out of any Funds in the Public Treasury not otherwise Appropriated, to Carry on the Preliminary Work of the Commission, Until the Fund Created under the Provisions of this Act is Available, and Making an Appropriation Therefor.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Section 3 of law amended.

Section 1. That Section 3, of Chapter 209, Acts of the Sixteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Meetings of grain grading, inspection, and warehouse commission, when and where to be held.

"Section 3. The Commission shall be in session during such time, to be determined by the members thereof, as may be necessary to perform the duties conferred upon it by the provisions of this Act, and its meeting may be held at any place within the State of Montana where the duties prescribed by this Act may necessitate a meeting to

be held. The office of the Secretary of Agriculture and Publicity of the State of Montana shall be the home office of said Commission, at which office shall be kept a book of minutes which shall contain a record of all of its proceedings, and any member may cause his dissent from the action of a majority of the Commission to be entered in such record. The Commission may also establish rules and regulations, not inconsistent with law, for its government, and shall record the same in its minutes."

Rules and regulations.

Section 2. That Section 8 of Chapter 209, Acts of the Sixteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Section 8 of law amended.

"Section 8. The term "Public warehouse" includes any elevator, mill, warehouse or structure in which grain is received from the public for storage, shipment or handling, whenever such grain is carried or intended to be carried to or from such warehouse, elevator, mill or structure by common carrier. The term "public warehouseman" shall be held to mean and include every person, association firm and corporation owning, controlling or operating any public warehouse in which grain is stored or handled in such a manner that the grain of various owners is mixed together and the identity of the different lots or parcels is not preserved. The term "grain dealer" shall be held to mean and include every person, firm, association and corporation owning, controlling or operating a warehouse, other than a public warehouse, and engaged in the business of buying grain for shipment or milling in carload lots. The term "track buyer" shall mean and include every person, firm, association and corporation who engages in the business of buying grain for shipment or milling in carload lots, and who does not own, control or operate a warehouse or public warehouse. The terms "agent", "broker", and "Commission man" shall mean and include every person, association, firm and corporation who engages in the business of negotiating sales or contracts for grain, or of making sales or purchases for a commission."

Definition of terms.

Section 3. That Section 17 of Chapter 209, Acts of the Sixteenth Legislative Assembly of the State of Montana, be and the same is hereby amended to read as follows:

Section 17 of law amended.

"Section 17. Such cities and towns where grain is received in carload lots may be designated by the Commission as inspection points and be provided with state

Inspection points may be designated.

Limit to expenditures at such points.

Assignment and duty of deputy inspectors.

Appropriations for enforcement of act.

Repealing clause.

inspection and weighing, provided that the expenditures for the inspection and weighing at the points designated by the Commission shall not exceed the receipts of fees at such point or points. The Commission may also assign deputy inspectors to such territory or portions of the state as it may determine to be necessary, and it shall be the duty of such deputy inspectors to inspect grain delivered in less than carload lots in such territory or portions of the state to which they may be assigned, to furnish producers within such territory or portions of the state with such inspection as shall enable them to determine the grade of their grain, and to perform such other duties as the Commission may prescribe."

Section 4. That for the purpose of carrying out and enforcing the provisions of Chapter 209, Acts of the Sixteenth Legislative Assembly of the State of Montana, there is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of Two Thousand Dollars (\$2,000.00) for the fiscal year ending February 29th, 1920, the amount of such appropriation to be deposited to the credit of the Grain Grading, Inspection and Warehousing Commission Fund, and to be expended under the orders and directions of said Commission.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 11.

"An Act Relating to Limitations of Actions by Members of the Police Department of Cities for Salaries and Providing for Charging Cities by Members of the Police Department for Salaries When Suspended or Placed on the Eligible List."

Be it enacted by the Legislative Assembly of the State of Montana:

Actions for salaries must be commenced when by members of city police department.

Section 1. Actions to recover salaries by members of the Police Department of Cities must be commenced within six (6) months after the Cause of Action shall have accrued.

Section 2. No action can be maintained by members of the Police Department of Cities for unpaid salary, except for service actually rendered and if suspended or placed on the eligible list, then only for the days the member of the Police Department reports for duty.

Actions for unpaid salaries limited to services actually performed, etc.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 12.

“An Act to Amend Section 3 of Chapter 43 of the Laws of the Twelfth Regular Session of the Legislative Assembly of the State of Montana Relating to the Appointment of Water Commissioners, for the Division of Water under Court Decrees and Requiring such Commissioners to Give Bonds to Insure the Faithful Performance of their Duties.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 43 of the laws of the Twelfth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Section 3 of law amended.

“Section 3. Each water Commissioner so appointed by the court shall subscribe and file with the Clerk of the District Court an oath of office before commencing the discharge of his duties as commissioner, and shall likewise file with said clerk a bond executed by himself with two or more sureties in such sum as the judge of said court may designate to insure the faithful discharge of his duties.”

Oath and bond of water commissioners.

Section 2. That this Act shall be in full force and effect from and after its passage and approval.

Approved August 9, 1919.

CHAPTER 13.

"An Act to Create the Montana Irrigation Commission; to Define its Powers and Duties; to Define the Powers and Duties of the State Engineer and Attorney General in Connection Therewith; to Provide for the Issuance of Permits for the Sale of Water; and to Provide Penalties for a Violation of the Provisions of this Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Montana irrigation commission created.

Number and duties of members.

Board of railroad commissioners to be ex officio "Montana Irrigation Commission."

Official seal and officers.

Duties of attorney general and state engineer with respect to commission.

No extra compensation payable to certain officers and employees.

Supervision of commission over sale of water, water rights, contracts for delivery of water for irrigation, etc.

Section 1. CREATION OF COMMISSION. There is hereby created the Montana Irrigation Commission to consist of three (3) members whose duties it shall be to assist in the organization and management of irrigation districts in the State of Montana, and to supervise the sale of water and water rights, and the contracting of water for irrigation purposes, as hereinafter provided.

THE BOARD OF RAILROAD COMMISSIONERS of the State of Montana shall be ex-officio the Montana Irrigation Commission hereby created, and for the purposes of this Act shall be known and styled "Montana Irrigation Commission." It shall provide itself with a seal bearing the foregoing words, by which its official acts shall be authenticated in all cases where a seal is required. The Chairman of the Board of Railroad Commissioners shall be President and the Secretary of the Board of Railroad Commissioners shall be Secretary of the Montana Irrigation Commission, but the business of the Montana Irrigation Commission shall be kept entirely separate from that of the Board of Railroad Commissioners. The Attorney General shall act as legal adviser of the Montana Irrigation Commission, and the State Engineer shall make such preliminary investigation and render such engineering advice as may be required of him by the terms of this Act.

No extra compensation shall be paid to any member or employee of the State Board of Railroad Commissioners, or the State Engineer or the Attorney General, by virtue of any duties imposed by this Act.

Section 2. POWERS TO ISSUE PERMITS FOR THE SALE OF WATER OR WATER RIGHTS OR CONTRACT FOR THE DELIVERY OF WATER.

The Montana Irrigation Commission shall supervise the sale of water and water rights and contract to deliver water for irrigation purposes upon which a charge for delivering water is made or preserved by any person, firm.

association or corporation, their lessees, receivers or trustees, that are engaged or propose to engage in the business of selling water or water rights, or of contracting for the furnishing and delivery of water for the irrigation of lands held or owned by others; or who are selling lands, together with a right to the use of water for their irrigation from a source or system of water supply, the control and operation of which is kept and retained by the seller of such lands or by any person, firm, association or corporation other than the purchaser or purchasers of the said lands. Any person, firm, association or corporation, their lessees, receivers or trustees, before so selling or offering for sale any water or water rights, or contracting or offering to contract for the delivery of any water for irrigation purposes of such lands shall first obtain from the Commission a permit for such sale or contract to deliver water.

Permit for sale of water or water rights, or to contract for delivery of water.

In order to obtain such permit a petition in duplicate shall be filed with the Secretary of the Montana Irrigation Commission which petition shall set forth the number of acres and a description of the same for which it is desired to sell accompanying water or water rights, or to contract for the delivery of water; a full statement of the amount of water available for such land, full evidence of title to such water and water rights; a copy of the deeds, contracts, or other instruments to be used in the sale of or contract for such water; a full description of the system and its location to be used in the delivery of such water; and all other facts which will enable the commission to determine whether sufficient water is available and the system capable of furnishing the water to be used upon such land.

Petition for permit, what to contain.

Upon the deposit with the Secretary of the Commission shall submit one copy thereof to the State Engineer, who shall furnish an estimate of the expense which will be incurred in making an examination of the water supply and irrigation system of the petitioner.

Duty of state engineer upon receipt of copy of petition.

The petitioner shall thereupon pay to the Secretary of the Commission the amount of such expense, together with the cost of publishing the notice of such application hereinafter mentioned.

Expenses payable by petitioner.

Upon deposit with the Secretary of the Commission the total amount of such preliminary expense and advertising, the State Engineer shall proceed with the examina-

Examination of water supply and report by state engineer.

tion of the water supply and irrigation system in question, and shall submit his report to the Commission.

Notice of filing of petition to be published.

The Secretary of the Commission shall cause to be published, once a week for two (2) successive weeks, in a newspaper of general circulation, printed and published in the county within which said irrigation system, or the larger portion thereof is located, a notice of the filing of such petition, and stating the time within which any protest or objections to the granting of such permit would be received. In case any protests or objections are filed, a hearing may be had by the Commission under such rules and regulations as it may prescribe.

Hearing of protests against granting permit.

Order granting petition may be made, when.

Upon receipt of the report of the State Engineer, and after a hearing by the Commission, in case such hearing is had, if it is found by the Commission that sufficient water is available for the land covered by the petition, and if sold or contracted for in sufficient amount and in a manner so that crops can be profitably raised on the land to be served and such proposed deeds, contracts, or other instruments to be used in the sale of, or contract for, such water or water rights are fair and equitable as to all parties concerned, said petition shall be granted, and the Commission shall make and enter an order to that effect.

Permit for smaller acreage.

If it is found by the Commission that water is available for only part of the land covered by the petition, the Commission may issue a permit covering a smaller acreage.

Dismissal of petition when water supply insufficient, etc.

If it is found by the Commission that the water supply is insufficient, or the system incapable of delivering water to the land covered by the petition, or that the water is to be furnished in insufficient amount, or in a manner so that crops cannot be profitably raised on the land to be served or that such proposed deeds, contracts, or other instruments to be used in the sale of, or contract for, such water or water rights, are not fair and equitable as to all parties concerned, the Commission shall dismiss the petition and shall make and enter an order to that effect. In passing upon such deeds, contracts, or other instruments, the Commission shall consult with the Attorney General.

Issuance and contents of permit.

If the petition is granted, the Commission shall issue to the petitioner a permit, which shall be signed by the President and the Secretary of the Commission, and shall contain a statement of the number of acres and a description of the land for which water or water rights may be sold,

or water for irrigation contracted for, together with the minimum amount of water which shall be furnished to each acre thereof.

Section 3. **FEE FOR ISSUANCE OF PERMIT.** There is hereby created the Montana Irrigation Fund. Upon the issuance of the permit, provided for in Section 2 of this Act, the petitioner shall pay to the Secretary of the Commission a fee of ten cents (10c) per acre for each acre covered in said permit. All moneys received for the issuance of such permits and those deposited to cover the expenses of the State Engineer shall be deposited by the Secretary of the Commission with the State Treasurer and by him credited to the Montana Irrigation Fund. All expenses of the Montana Irrigation Commission, or of the State Engineer, in making investigation pertaining to the issuance of such permits or incurred in making investigations for the purpose of determining whether terms of such permits are being complied with, shall be paid by warrants drawn upon the said Montana Irrigation Fund.

Montana Irrigation Fund created.

Fee for issuance of permit.

Receipts and expenditures on account of Montana Irrigation Fund.

Section 4. **PENALTY FOR SALE OF WATER OR WATER RIGHTS WITHOUT PERMIT.** Any person, firm or corporation coming under the provisions of this Act, including any officer, agent or employee of any firm or corporation, their lessees, receivers, or trustees, selling or offering for sale any water or water rights, or contracting or offering to contract to deliver water for irrigation purposes without first obtaining a permit, as provided in this Act, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail not exceeding six (6) months, or by both such fine or imprisonment.

Penalty for sale of water or water rights without permit.

Section 5. **EXEMPTIONS UNDER THIS ACT.** Nothing in this Act shall be construed as applying to any irrigation project, system or lands being reclaimed under the Act of Congress of the United States known as the Carey Act, so long as the Federal Government or the Carey Land Act Board of the State of Montana shall by law retain supervision over such project, system or lands. Any corporation or association whose stockholders or members are farmers, and who after supplying their own needs, shall sell from year to year any surplus water available shall not be subject to the provisions of this Act.

Projects exempt from operation of act.

Act not applicable to sale of surplus water, when.

Section 6. Nothing contained in the provisions of this Act shall be construed as conferring upon the Montana

Act cannot be construed to abrogate or change provisions of existing contracts.

Repealing clause.

Irrigation Commission the authority to make any order which would abrogate or change the provisions of any existing contracts made and entered into for the furnishing of water for the purposes of irrigation.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 14.

An Act to Create the Montana Irrigation Commission; to Define its Powers and Duties; to Define the Powers and Duties of the State Engineer in Connection Therewith; to Provide for the Furnishing of and Contracting for Power by an Irrigation District; to Provide for the Apportionment of the Cost of Pumping Water; to Provide for Drainage of Lands within an Irrigation District; and to Provide Penalties for a Violation of the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Montana irrigation commission created.

Number and duties of members.

Board of railroad commissioners to be ex officio "Montana Irrigation Commission."

Official seal and officers.

Section 1. CREATION OF COMMISSION. There is hereby created the Montana Irrigation Commission to consist of three (3) members whose duties it shall be to assist in the organization and management of irrigation districts in the State of Montana, and to supervise the sale of water and water rights, and the contracting of water for irrigation purposes, as hereinafter provided. The Board of Railroad Commissioners of the State of Montana shall be ex-officio the Montana Irrigation Commission hereby created, and for the purpose of this Act shall be known and styled "Montana Irrigation Commission." It shall provide itself with a seal bearing the foregoing words, by which its official acts shall be authenticated in all cases where a seal is required. The Chairman of the Board of Railroad Commissioners shall be President and the Secretary of the Board of Railroad Commissioners shall be Secretary of the Montana Irrigation Commission, but the business of the Montana Irrigation Commission shall be kept entirely separate from that of the Board of Railroad Commissioners. The Attorney General shall act as legal adviser of the Montana Irrigation Commission,

and the State Engineer shall make such preliminary investigations and render such engineering advice as may be required of him by the terms of this Act. No extra compensation shall be paid to any member or employee of the State Board of Railroad Commissioners, or the State Engineer or the Attorney General, by virtue of any duties imposed by this Act.

Duty of attorney general and state engineer with respect to commission.

No extra compensation payable to certain officers and employees.

Section 2. POWERS AND DUTIES. It shall be the duty of the Montana Irrigation Commission to encourage the organization of irrigation districts whenever feasible. The Commission shall cause to be made by the State Engineer the necessary preliminary examinations for the organization of irrigation districts, in accordance with the terms of this Act. It shall approve all contracts for the original construction of all works or for the acquisition of works, constructed or partly constructed for irrigation districts under its supervision; provided, however, that the provisions of this Act shall not apply to irrigation districts co-operating with the Reclamation Service of the United States Government. It shall assist in the issuance and sale of all bonds hereafter issued by irrigation districts under its supervision, and supervise the letting of contracts and the disbursement of moneys by such districts in the manner hereinafter provided. It shall have the power to appropriate water and water rights for any irrigation district, and may in the name of the State exercise the power of eminent domain for the purpose of acquiring any property or rights for the district. And it shall exercise the supervisory and advisory powers hereinafter specified, and co-operate with the Board of Commissioners for the successful irrigation of the lands within such districts.

Powers and duties.

Section 3. CO-OPERATION IN ORGANIZING DISTRICTS. It shall be the duty of the Montana Irrigation Commission to encourage and assist in the irrigation of the arid lands in the State of Montana, and for this purpose shall obtain all possible data pertaining to the water resources and to the irrigability of arid lands in this state, and shall co-operate with the Boards of County Commissioners, County Surveyors, or any other agency for the purpose of encouraging the organization of irrigation districts. The Commission is authorized to aid in all manner possible districts which are organized or are organizing for the purpose of seeking financial assistance from the United States Government, to the end that such

Co-operation with local agencies and officials in the promotion of irrigation.

assistance may be obtained with the least possible delay and in the amounts and under the conditions assuring the successful irrigation of the lands of the district.

Section 4. RECOMMENDATION OF COMMISSION. A petition for the organization of an irrigation district shall be accompanied by a copy thereof, and it shall be the duty of the Clerk of the District Court, in which such petition is filed, to forward such copy to the Secretary of the Montana Irrigation Commission, who shall refer the same to the State Engineer, who shall advise the commission of the estimated amount of his expenses in making a preliminary examination of the lands to be included in the proposed district and the source from which the lands are to be irrigated. The Secretary of the Montana Irrigation Commission shall thereupon advise the party or parties filing the petition for the proposed irrigation district, of the amount of the preliminary expenses of the State Engineer, which amount shall be forthwith paid to the Secretary of the Montana Irrigation Commission and by him turned over to the State Treasurer, to be credited to the Montana Irrigation Fund hereinafter created. Upon the payment of such amount to the Secretary of the Montana Irrigation Commission, the State Engineer shall make preliminary examination of the lands to be included in the proposed irrigation district and the source from which the lands are to be irrigated, and shall make a report to the Commission as to the feasibility and advisability of the creation of such proposed district. The expenses of the State Engineer (not including his salary) shall be paid out of the funds so deposited with the Secretary of the Montana Irrigation Commission, and any surplus, over and above said expenses of the State Engineer, shall be returned to the petitioner by a warrant drawn upon the Montana Irrigation Fund. Upon the report of the State Engineer being filed with the Montana Irrigation Commission, the Commission shall thereupon make an estimate of the amount of water available for irrigating the lands to be served thereby, the number of acres that can properly be irrigated by such water, and a recommendation whether or not the estimated cost of the construction or acquisition of the irrigation works will be disproportionate to the benefits to be derived therefrom. The Secretary of the Montana Irrigation Commission shall thereupon transmit to the Clerk of the District Court in which the original petition was filed, a

Petition for organization of irrigation district.

Duty of state engineer upon receipt of copy of petition.

Secretary of commission shall advise petitioners of amount of preliminary expense.

Amount to be credited to what fund.

Preliminary examination of lands and report of state engineer.

Expenses of state engineer, how payable.

Disposition of surplus funds.

Estimate and recommendation of commission.

certified copy of such estimate and recommendation, under the seal of the Commission. The District Court shall examine and consider the estimate and recommendation of the Montana Irrigation Commission before establishing any irrigation district, such estimate and recommendation being hereby made competent and relevant testimony. The petitioners shall have the right to subpoena and cross-examine any member of the Montana Irrigation Commission or the State Engineer; provided, however, that the provisions of this Act shall not apply to any irrigation district organized for the purpose of co-operating with the Reclamation Service of the United States Government.

Action of district court thereon.

Right of petitioners to subpoena and cross-examine members of commission and engineer.

Act not applicable to districts formed to co-operate with U. S. reclamation service.

Section 5. **EMPLOYMENT OF ENGINEERS.** Upon the organization of an irrigation district, the Board of Commissioners thereof shall recommend to the Montana Irrigation Commission as engineer to make all examinations and to prepare all plans and specifications for the construction of any or all irrigation and drainage works, or to make an examination of irrigation or drainage works constructed or partly constructed. No engineer-in-chief shall be employed by the Board of Commissioners of any irrigation district under the supervision of the Montana Irrigation Commission either in a consulting capacity or for the purpose of carrying on any engineering work, unless the employment of such engineer shall have been approved by the Montana Irrigation Commission for the particular work for which the said Board of Commissioners propose to employ him. Such Engineer must possess the necessary qualifications and skill and have had experience in irrigation engineering.

Employment and duties of engineers.

Employment of engineer-in-chief to be subject to approval of commission.

Qualifications of engineer-in-chief.

Section 6. **ISSUANCE OF BONDS.** Upon the organization of an irrigation district and the approval by the Montana Irrigation Commission of the employment of the engineer by the Board of Commissioners, the Board of Commissioners shall thereupon cause such engineer to make a full and complete examination and investigation and to make a report, in duplicate, one copy of which shall be submitted to the Board of Commissioners of the district, and one copy of which shall be submitted to the Montana Irrigation Commission, such report to contain detailed drawings and complete plans and specifications for the construction of all irrigation and drainage works that may be necessary for the said irrigation district, together with an estimate of the cost thereof. In the event that the irrigation district is organized for the pur-

Examination and report to be made by engineer upon organization of district.

Copies of report to be submitted to whom.

Contents of report.

Report of engineer when district is organized to acquire works already constructed or partly constructed.

Copies of report to be filed with whom.

Contents of report.

Certification of estimated value of work to district court where proceedings are pending for confirmation of bond issue.

Contents and evidentiary value of certificate.

Order of confirmation, when to be made.

Sale and registration of bonds.

pose of acquiring irrigation works already constructed or partly constructed, the Board of Commissioners shall cause such engineer to make a full and complete examination and investigation and to make his report in duplicate, one copy of such report to be filed with the Board of Commissioners of the district and one copy of such report to be filed with the Montana Irrigation Commission, such report to contain detailed drawings and complete plans and specifications for the construction of whatever additional irrigation or drainage works that may be necessary, if any, together with an estimate of the cost of such additional works, if any, and also an estimate of the value of the works already constructed. It shall also be the duty of the Commission to assist and co-operate with the Board of Commissioners in the proceedings for the confirmation of any bond issue. Upon receipt of such report from the engineer for the irrigation district, the Montana Irrigation Commission shall forthwith certify to the Clerk of the District Court in which the petition for the confirmation of the proceedings of the Board of Commissioners, relative to the issuance of bonds, is filed, the estimated value of any irrigation works already constructed, if any, together with an estimate of the cost of the construction of any additional works which may be necessary, if any, or the estimated cost of the construction of the irrigation and drainage works necessary for the proper irrigation of the lands within the district. Such certificate from the Montana Irrigation Commission shall be signed by the President and the Secretary of the Commission and have affixed thereto the seal of the Commission, and shall be considered by the District Court as competent and relevant testimony in the hearing upon the confirmation proceedings. The order of confirmation shall not be made until such certificate shall have been filed with the Clerk and considered by the Court.

Section 7. SALE OF BONDS. It shall be the duty of the Montana Irrigation Commission to assist in the sale of the bonds of an irrigation district. All bonds hereafter issued by any irrigation district, under the supervisions of the Montana Irrigation Commission shall be registered by the Secretary of the Commission in a book provided for that purpose, and each bond so registered shall bear upon its back a certificate of such registration and approval of the issue by the Montana Irrigation Commission.

Section 8. ASSESSMENT ON BONDS. All bonds issued hereunder shall be a lien on all lands originally or at any time included, in the district for the irrigation and benefit of which such said irrigation district was originated and said bonds were issued, and all such lands shall be subject to a special tax or assessment for payment of interest on the principal of said bonds, and said special tax or assessment shall constitute first and prior lien on all lands against which such levy is made to the same extent and with like force and effect as taxes levied for state and county purposes.

Bonds shall be a lien upon lands of district.

Lands subject to special tax or lien.

Section 9. ANNUAL LEVY FOR BONDS. It shall be the duty of the Board of Commissioners of each irrigation district under the supervision of the Commission, on or before the third Monday in July of each year, to certify to the Montana Irrigation Commission the amount which the Board has caused to be levied upon the lands within the district for the payment of interest on, or principal of, the outstanding bonded indebtedness of the district; and in the event that the Board of Commissioners shall fail to make such levy, or to make a levy sufficient in amount for the payment of interest on, and principal of, the outstanding bonded indebtedness of the district, as provided by law, it shall be the duty of the Montana Irrigation Commission to certify the amount of the necessary levy to the Board of County Commissioners of each county in which any part of such irrigation district is located, who shall levy the same.

Duty of board of commissioners to certify amount of bond levy to irrigation commission.

Duty of irrigation commission upon failure of board of commissioners to make levy.

Section 10. CONTRACTS. All contracts for the purchase of irrigation and drainage works already constructed, and all contracts for the construction of irrigation and drainage works for districts under the supervision of the Commission, where the amount to be paid under such contract is in excess of Two Thousand Five Hundred Dollars (\$2,500.00) shall be approved by the Montana Irrigation Commission before any warrants upon the funds of the district shall be drawn by the Board of Commissioners. No expenditure in excess of Two Thousand Five Hundred Dollars (\$2,500.00) for any single piece of work shall be incurred by the Board of Commissioners without such expenditure being first approved by the Montana Irrigation Commission. All warrants drawn on district funds in violation of the provisions of this section shall be null and void; provided, however, that none of the provisions of

Contracts and expenditures made by board of commissioners in excess of \$2,500 subject to approval of irrigation commission.

Warrants drawn in violation of section void.

Act not appli-
cable, when.

this Act shall apply to districts co-operating with the Reclamation Service of the United States Government.

Applicability of
act to districts
hereafter
organized.

Section 11. FOREGOING PROVISIONS OPTIONAL TO IRRIGATION DISTRICTS. It is expressly provided that none of the foregoing provisions or Sections of this Act shall apply to any irrigation district hereafter organized unless the petitioners for the organization of the district shall voluntarily deliver a copy of their petition to the Clerk of the District Court with a written request that the said copy be forwarded to the Secretary of the Montana Irrigation Commission as provided in Section 4 of this Act. Nor shall the foregoing provisions of this Act apply to districts now organized or in the process of organization unless a petition shall be filed with the Secretary of the Montana Irrigation Commission signed by the owners or holders of title representing a majority both in number and acreage of the lands in the district or in the proposed district. The filing of such petition or such copy of petition for the organization of an irrigation district as above provided, shall cause the district in its organization and subsequent government, to be conducted under the supervision of the Montana Irrigation Commission as in this Act, provided.

Applicability of
act to districts
now organized
or in process of
organization.

Supervision of
commission over
districts upon
filing of petition.

District may
generate power
for lighting and
domestic pur-
poses, when.

Section 12. FURNISHING AND CONTRACTING FOR POWER. Any irrigation district which shall generate power for the purposes of pumping water for irrigation, or which shall have a dam across a stream, and can produce power therefrom, may generate power for lighting and domestic purposes within the irrigation district. An irrigation district is also authorized to contract and pay for power for the purpose of pumping water for irrigating the lands of the district. The Montana Irrigation Commission shall have and exercise general supervisory control over all rates charged and to be charged under this section.

Contracts for
power.

Rate control of
commission.

Apportionment of
cost of pumping.

Section 13. APPORTIONMENT OF COST OF PUMPING. In the event that water for irrigating all or any portion of the lands of an irrigation district is obtained by pumping, and for the purpose of irrigating the lands of such district it is necessary to pump water to different elevations, the total cost of such pumping, maintenance and operation of the pumping project shall be apportioned and levied equally upon all the lands in the district lying under such pumping project. Such apportionment shall be made and shall be certified at the time and in the

manner above mentioned, to the Board of Commissioners.

Section 14. DRAINAGE. In case it becomes necessary to drain any lands within an irrigation district on account of seepage or saturation, or for the purpose of carrying off waste water, such drains shall be constructed by the Board of Commissioners and all expenses in connection with the same shall be borne by the district and paid by warrants upon the general fund of the district.

Construction of drains.

Section 15. All expense incurred by the Montana Irrigation Commission pursuant to the provisions of this Act in connection with the organization of any irrigation district or in the issuance of bonds thereof shall be borne by such irrigation district and shall be paid by the issuance of warrants drawn upon the funds derived from the sale of bonds of such irrigation district, such warrants to be payable to the Montana Irrigation Commission and deposited in the State Treasury to the credit of the Montana Irrigation Commission Fund hereby created.

Expenses to be a charge upon district.

Mode of payment.

Section 16. That it shall be the duty of the Montana Irrigation Commission to employ the necessary engineers for the purpose of making an examination and necessary surveys as to available water supplies and feasible areas to be benefitted by irrigation, and to do all things necessary for the full development of the irrigable lands within the State of Montana.

Duty of commission to employ engineers and foster irrigation.

Section 17. That the sum of Twenty-five Hundred Dollars (\$2,500.00) be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of carrying out the provisions of this Act, which said appropriation shall be credited by the State Treasurer to the Montana Irrigation Fund.

Appropriation to carry out act.

Section 18. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 15.

A Bill for an Act to Amend Sections 2, 4, 6, and 12, Chapter III, of Chapter 141 of the Laws of the Fourteenth Legislative Assembly, as Amended by Chapter 172 of the Laws of the Fifteenth Legislative Assembly, the Same Being Known as the "General Highway Law"

Relating to the Classification and Permanent Improvement of Public Highways, and Declaring This Act to be an Emergency Law, and a Law Necessary for the Immediate Preservation of the Public Peace and Safety.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 2 of law amended.

Section 1. That Section 2, Chapter III, of Chapter 141 of the Laws of the Fourteenth Legislative Assembly, as Amended by Chapter 172 of the Laws of the Fifteenth Legislative Assembly be amended so as to read as follows:

General supervision of county commissioners over highways in county.

"Section 2. The Board of County Commissioners of the several counties of the State have general supervision over the highways within their respective counties.

Road districts.

1. They may, in their discretion, keep the county divided into suitable road districts, place each of such road districts in charge of a competent road supervisor and order and direct each of such supervisors concerning the work to be done upon the public highway in his district.

Road supervisors.

Plat books and records to be kept by county surveyor, or one appointed for purpose.

2. They may in their discretion provide and order the County Surveyor, or if the County Surveyor is incompetent, some other competent surveyor designated by the Board, to prepare suitable plat books and have recorded therein with the County Clerk a full description of every public highway within the County, showing each course by bearing and distance, with a full and complete map thereof, together with a record of all other proceedings with reference to the same.

Duty with respect to opening and maintenance of highways, and erection of guide posts.

3. They must cause to be surveyed, viewed, laid out, recorded, opened, worked and maintained, such highways as are necessary for public convenience, as in this Act provided, and cause to be erected and maintained thereon guide posts, as provided in this Act.

Abolition and abandonment of highways.

4. They must abolish or abandon in the manner provided in this Act such public highways as are not necessary for the public convenience.

Acquisition of rights of way for highways.

5. They must contract, agree for, purchase or otherwise lawfully acquire the right-of-way over private property for the use of public highways, and for that purpose institute, when necessary, proceedings under Title VII, Part III, of the Code of Civil Procedure, paying for such right-of-way from the General Road Fund of the County.

Issuance of bonds.

6. They may, in their discretion, but subject to the limitations and provisions in the Constitution and Revised Codes provided, issue bonds upon the faith and credit of

the county for the construction or improvement of main highways, state highways and bridges.

7. They may, in their discretion, but subject to the limitations and restrictions provided in the Revised Codes for the letting of public contracts, let out by contract the construction, maintenance and improvement of the public highways, and the construction, maintenance of repairs of bridges, when the amount of work to be done exceeds the sum of One Thousand Dollars (\$1,000.00).

Contracts for construction and maintenance of highways and bridges.

8. They may, in their discretion, cause to be done whatever may be necessary for the best interests of the roads and road districts of their several counties.

Care of roads and road districts.

9. They must make such reports, relating to the state roads under their supervision, to the State Highway Commission, as may be requested by said Commission.

Reports to state highway commission.

10. They may, in their discretion, employ a competent road builder, who shall in counties of the first class, be the County Surveyor, and who shall be paid for his services not to exceed Eight Dollars (\$8.00) per day and his actual expenses, who shall serve during the pleasure of the Board; whose duty it shall be, under the direction and control of said Board, to prescribe the time and place, when and where, all work shall be done on the roads of the county; report any delinquency or inefficiency of any road overseer or any other person employed upon such road to the Board of County Commissioners and perform such other duties as may be prescribed by the said Board."

Employment of road builders.

Compensation and term of service of road builders.

Duties of road builders.

Section 2. That Section 4, Chapter III, of Chapter 141 of the Laws of the Fourteenth Legislative Assembly, as amended by Chapter 172 of the Laws of the Fifteenth Legislative Assembly be amended so as to read as follows:

Section 4 of law amended.

"Section 4. Road Supervisors, when appointed, shall serve during the pleasure of the Board of County Commissioners and shall in all things be under the direction and control of said Board. Every Road Supervisor must, before entering upon the duties of his office, be a resident elector of the road district for which he is appointed and must file with the County Clerk the customary oath of office, together with a bond approved by said Board for the faithful performance of his duties. As compensation for his services he shall receive not more than Six Dollars (\$6.00) per day for eight hours labor, but the time taken in going to or from his home to the place of labor shall not be included within such period of eight hours."

Road supervisors; term of service.

Qualifications, oath of office, and bond.

Compensation.

Section 6 of law amended.

Section 3. That Section 6, Chapter III, of Chapter 141 of the Laws of the Fourteenth Legislative Assembly, as amended by Chapter 172 of the Laws of the Fifteenth Legislative Assembly be amended so as to read as follows:

Road supervisor.

“Section 6. Whenever it becomes necessary for any Road Supervisor, in the repairing of any public highways in his district, to secure the assistance of other persons, he shall be empowered to employ suitable laborers, teams and implements, and to contract as to the price to be paid therefor, which must not exceed the rates fixed by the Board of County Commissioners for such laborers, teams and implements per day of eight hours; provided that the time taken by such laborers or teams in going to and from the place of labor shall not be included within such period of eight hours.”

Employment of laborers, teams, and implements, etc.

Computation of compensation of laborers, teams, etc.

Section 12 of law amended.

Section 4. That Section 12, Chapter III, of Chapter 141 of the Laws of the Fourteenth Legislative Assembly, as amended by Chapter 172 of the Laws of the Fifteenth Legislative Assembly, be amended so as to read as follows:

Inspection of highways and work and highways and bridges.

“Section 12. The Board of County Commissioners may direct the County Surveyor or some member or members of said Board to inspect the condition of any proposed highway, or highways, or work on any highway or bridge in the county during the progress of the work, and before payment therefor, and such member or members of said Board shall receive for making said inspection, the sum of Eight Dollars (\$8.00) per day, and actual expenses, and the County Surveyor shall receive for making such inspection when directed and for all other work performed for the county under the direction of the Board of County Commissioners, the sum of Eight Dollars (\$8.00) per day and actual expenses, which shall be audited and allowed in the same manner as any other claims against the county.”

Per diem compensation of commissioners for inspection work.

Compensation of county surveyor for inspection work.

Act declared to be an emergency measure.

Section 5. This Act is hereby declared to be an emergency law, and a law necessary for the immediate preservation of the public peace and safety.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 16.

An Act to Amend Chapter 226 of the Laws of the Sixteenth Legislative Assembly of the State of Montana Entitled: 'An Act to Provide for the Creation, Organization and Classification of New Counties; for Locating County Seats; for the Election and Appointment of Officers; for the Adjustment and Fulfillment of the Rights and Obligations Arising Between Such New Counties and Other Counties; and to Repeal Chapter 139 of the Session Laws of the Fourteenth Legislative Assembly of 1915,' by Adding Thereto New Sections Numbered 1-A, and 1-B, Relating to the Method of Determining the Assessed Valuation of Counties for County Division Purposes; and Providing Qualifications of a City, Town or Village to Become a County Seat.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That there is hereby added to Chapter 226 of the Session Laws of the Sixteenth Legislative Assembly of Montana, new sections to be numbered Section 1-A and Section 1-B, which said sections shall read as follows:

Sections 1-A and 1-B added to law.

"Section 1-A. That for the purposes of this Act the assessed valuation of all property, whether included within the boundaries of a proposed new county or remaining within the boundaries of any existing county or counties from which territory is taken, shall be fixed and determined on the same basis as is used for the imposition of taxes in the State of Montana, to-wit: By taking that percentage of the true and full value of all taxable property in any county specified by Section 2 of Chapter 51, Laws of the Sixteenth Legislative Assembly of the State of Montana.

Basis of taxation upon creation of new county.

Whenever in this Act the term "assessed valuation" or "valuation based on the last assessment roll" is used, said terms shall be construed as meaning taxable valuation determined as herein provided, and not the full and true valuation of property."

Definition of terms used in act.

"Section 1-B. That no city, town or village shall become the temporary or permanent county seat of any county organized under the provisions of Chapter 226 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana, or created by an act of the Legislative Assembly, unless such city or town shall

Qualifications of cities and towns for county seat.

have been incorporated in the manner provided by law or unless such village shall have been regularly platted and a plat thereof filed in the office of the County Clerk and Recorder, and there be fifty (50) qualified electors residing within the boundaries of such platted village, and the temporary County Seat selected upon the organization of such County shall remain as such County Seat until the permanent County Seat shall be established as provided by law."

Repealing clause. Section 2. All Acts and parts of Acts in conflict are herewith repealed.

Section 3. This Act shall take effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 17.

An Act to Amend Section 42 of Chapter 146, Laws of the Eleventh Legislative Assembly of the State of Montana, Entitled, "An Act to Provide for the Creation, Organization, Government and Extension of Irrigation Districts; to Prescribe the Rights, Powers and Duties Thereof; to Provide for the Acquisition—Either by Construction, Purchase or Otherwise—and for the Maintenance and Control Thereby of Works, Water, Property and Rights for the Irrigation of Lands within and Comprising such Districts, and to Provide for the Payment Therefor and for the Expense of such Districts; and to Extend and Apply the Provisions of This Act to Irrigation Districts of the State Heretofore Organized or in Process of Organization Under Existing Laws: and to Repeal, with Certain Reservations, the Provisions of Sections 2309 to 2402 Both Inclusive of Title X, Part III, of the Revised Codes of Montana of 1907."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 42 of law amended.

Section 1. That Section 42 of Chapter 146, Laws of the Eleventh Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Irrigation district bonds payable in gold.

Section 42. Details of Bonds.—All bonds issued under the provisions of this Act shall be payable in gold coin of the United States, of the standard weight and fine-

ness existing at the time of the issue; and shall run for a period not longer than thirty years from their date, but may contain a clause providing for their prior redemption and payment at the option of the board of commissioners of the district on any interest payment date after five years from their date. Said bonds shall bear interest from their date until paid at a rate not to exceed six per centum per annum, payable annually or semi-annually, the installments of interest to date of maturity of principal to be evidenced by appropriate coupons attached to each bond. Said bonds and interest coupons shall be payable at such place or places as the board of commissioners shall prescribe. Instead of straight maturity bonds, bonds may be issued to mature serially at such times and in such amounts as the board of commissioners shall determine, but no bonds so issued shall run for a longer period than thirty years from date of issue; (provided, however, that if any irrigation district desires to issue refunding bonds to meet and retire maturing bonds, such refunding bonds may be issued upon petition and by a proceeding in the same manner as is provided for in Sections 40 and 41 of this Act, and such refunding bonds may run for a period of thirty years or less from the date of their issuance.) All bonds issued under this Act shall be of such denomination or denominations, and in such form as the board of commissioners shall prescribe, and shall be signed by the president and attested by the secretary of the board under the corporate seal of the district, and each of the interest coupons to be attached to said bonds shall be executed by the original or engraved or lithographed fac-simile signatures of said president and secretary. The board may provide for the registration of bonds in their discretion. The secretary of the board of commissioners shall keep a record of the bonds sold, their date, number, amount, maturity or maturities, to whom sold, rate of interest, and the place or places of payment thereof.

Limit of period to run.

Rate of interest not to exceed 6 per cent.

When payable.

Coupons attached.

Place of payment of bonds and coupons.

Bonds may be issued payable serially.

Refunding bonds may be issued, how and when.

Denomination and form of bonds.

How executed.

Facsimile signature on coupons.

Registration of bonds.

Record of bonds sold to be kept.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 18.

An Act Prescribing the Salaries of Assistant State Land Agents.

Be it enacted by the Legislative Assembly of the State of Montana:

Salary of assistant state land agents.

Section 1. The salary allowed to Assistant State Land Agents shall be not to exceed One Hundred and Seventy-five Dollars (\$175.00) per month together with actual necessary traveling expenses.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 19.

An Act Relating to the Rights of Soldiers, Sailors and all Others Enrolled in the Military or Naval Service of the United States Government During the War; Providing that Their Right to the Franchise Shall not be Forfeited when so Engaged.

Be it enacted by the Legislative Assembly of the State of Montana.

Electoral rights of citizens of state who served in late war preserved.

Section 1. Every citizen of the State of Montana who was engaged in the active military or naval services of the United States during the late war, and was duly registered and entitled to vote at the last general election, and by reason of such service was unable to vote at such election shall not be considered to have lost any rights by reason thereof, and the provisions of Section 15 of Chapter 122, Laws of the Fourteenth Legislative Assembly, shall not apply.

Sec. 15, Chap. 122, Laws 1915, not applicable.

Duty of county clerk to restore names to registration rolls.

Section 2. The County Clerk shall within ten days after the passage and approval of this Act withdraw from the "Cancelled file" the registration cards of all persons subject to the provisions of this Act and place such cards in the active precinct registration files and enter the names of such person upon the proper registration rolls.

Service men may obtain right to vote by filing affidavit.

Section 3. Any person subject to the provisions of this Act whose name does not appear upon the register of voters for the precinct in which such person resides shall be entitled to vote at any election upon filing with

the judges of election an affidavit, showing that he is a citizen of the State of Montana and was duly registered as an elector for the general election in 1918, that by reason of service in the military or naval service of the United States he was unable to vote at such election. Upon the filing of such affidavit said judges shall enter the name of such person upon the register of voters for such precinct and forward to the County Clerk the affidavit so made. The County Clerk shall immediately withdraw the registration card of such person from the "cancelled file" and place the same in the proper precinct file.

Facts to be therein stated.

Duty of election judges and county clerk upon filing of affidavit.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 20.

An Act to Amend Chapter 170 of the Session Laws of the Fifteenth Legislative Assembly by Adding Thereto New Sections to be Numbered Section 6 (e) and Section 6 (f), Relating to the Powers and Duties of the Executive Committee of the State Highway Commission."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That two new sections are hereby added to Chapter 170 of the Session Laws of the Fifteenth Legislative Assembly to be numbered Section 6 (e), and Section 6 (f), and to read as follows:

Sections 6(e) and 6(f) added to law.

"Section 6 (e). The Executive Committee shall have power and authority to acquire by purchase or otherwise necessary rights of way for highways, and to lay out, alter, construct, improve and maintain highways in the State of Montana, and to acquire by purchase or otherwise deposits of road building materials, and the Executive Committee shall have the authority to exercise the power of eminent domain in the name of the State for any of the above mentioned purposes."

Power of executive committee to acquire rights of way and deposits of road-building material, and to lay out, alter, construct, improve, and maintain highways.

Exercise power of eminent domain.

Whenever it shall be deemed necessary by the Executive Committee to secure the right of way as herein provided, or to acquire deposits for road building materials and the same cannot be acquired by purchase, the Exec-

Condemnation proceedings to secure rights of way and deposits of road-building materials.

utive Committee may by a resolution duly passed, direct the Attorney General or any County Attorney in any county in the State to procure the right of way or deposits of road building materials by proceedings to be instituted in the manner and as provided in Title 7, Part 3 of the Code of Civil Procedure against all non-accepting land holders, and when thereunder the right of way is procured the road must be declared a public highway and open in the manner provided by law.

Power and duty
of executive
committee to
prosecute viola-
tions of "General
Highway Law."
Repealing clause.

"Section 6 (f). The Executive Committee shall have power, and it shall be its duty to prosecute all persons guilty of any violation of "The General Highway Law."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 21.

"An Act Making the Board of Railroad Commissioners Ex-Officio the Montana Trade Commission, for Regulating of Prices and Charges of Commodities, Foodstuffs and Products, Articles of Merchandise and Farm Implements and Machinery, and Burial Lots in Public Cemeteries Operated for Private Gain within the State of Montana; Prohibiting Unjust and Unreasonable Profits; Prohibiting Unreasonable and Unjust Charges for Commodities, Foodstuffs and Products, Articles of Merchandise and Farm Implements and Machinery, and Burial Lots in Public Cemeteries Operated for Private Gain, Sold within the State of Montana; Providing Penalties for the Violation of the Provisions of this Act; Authorizing such Trade Commission to Appoint a Market Investigator and Assistant Thereto, and to Employ Clerks and Assistants for the Purpose of Carrying out the Provisions of this Act; Providing Penalties for Giving or Accepting Bribes, and for Appeals to the District Court, and Declaring this Act

to be an Emergency Law and a Law Necessary for the Immediate Preservation of the Public Peace and Safety.”

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That a Commission is hereby created and established to be known as the Montana Trade Commission, hereafter referred to as the Commission, and the Board of Railroad Commissioners of the State of Montana, shall be Ex-Officio the Montana Trade Commission. The Montana Trade Commission as herein provided is authorized to appoint a Market Investigator, and not to exceed two Assistant Investigators for a term of two years. The salary of the Market Investigator shall be Three Hundred (\$300.00) Dollars per month. The salary of the Assistant Market Investigators shall be Two Hundred (\$200.00) Dollars per month. The Montana Trade Commission, the Market Investigator, and Assistant Market Investigators shall be entitled to receive their actual expenses while engaged in the work of the Commission away from their respective places of residence.

Section 2. It shall be the duty of the Commission hereby created, to supervise the charges made for all foodstuffs and commodities, products, articles of merchandise and farm implements and machinery sold within the State of Montana. The business of the Montana Trade Commission shall be kept separate and apart from that of the Board of Railroad Commissioners.

Section 3. The Montana Trade Commission is authorized and empowered to issue permits to any person, firm, co-partnership or corporation to transact business within the State of Montana, and it shall be necessary for any person, firm, co-partnership or corporation engaging in or transacting any business of buying or selling any commodities, foodstuffs and products, or articles of merchandise and farm implements and machinery, to be sold within the State of Montana, to procure from the Montana Trade Commission a permit or license to transact such business within the State of Montana.

For the period ending December 31st, 1919, the license to be charged and collected by the Commission shall be One (\$1.00) Dollar upon all persons, firms, co-partnerships or corporations coming under the provisions of this Act where the Capital invested does not exceed Ten Thousand (\$10,000.00) Dollars, and two (\$2.00) Dollars for all business with an invested capital in excess thereof. The

Montana trade commission created.

Board of railroad commissioners to be ex officio Montana trade commission.

Appointment of market investigators authorized.

Salaries of market investigators.

Expenses of market investigators.

Duties of commission.

Business of commission to be kept separate from that of railroad commissioners.

Issuance of permits to transact business in state.

Permit or license required to deal in commodities.

Schedule of license fees.

yearly fee thereafter to be charged shall be Two (\$2.00) Dollars for all persons, firms, co-partnerships or corporations coming under the provisions of this Act where the capital invested does not exceed Ten Thousand (\$10,000.00) Dollars, and Five (\$5.00) Dollars for all business with an invested capital in excess thereof.

Power of commission to prescribe rules and regulations, etc.

Section 4. The Montana Trade Commission as herein provided, shall have the power to prescribe rules, regulations and procedure, and to do the things necessary and essential in the exercise of the powers conferred in this Act.

Blank applications for permits.

Section 5. The Montana Trade Commission is hereby authorized and empowered and directed to prepare blank applications for any and all persons, firms, co-partnerships, or corporations who are now or who may be hereafter engaged in the business of buying and selling any commodities, foodstuffs and products or articles of merchandise and farm implements and machinery within the State of Montana, for a permit to transact such business. The granting of a permit by the Montana Trade Commission shall be a condition precedent to the right of any person, firm, co-partnership or corporation to transact any such business within the State of Montana.

Permit requisite to do business in state.

Reports of receipts and expenditures may be required of persons, firms, and corporations.

Section 6. The Commission shall have the power, when they may deem it necessary to call for and require from such person, firm, co-partnership or corporation a report of the receipts and expenditures of such business during the twelve months preceding December 31st, of each year; and the said Commission is hereby empowered to require such report to be made out in the manner and under such regulations as they may determine.

Appointment of market investigator and assistants.

Powers and duties of market investigators.

Section 7. The Montana Trade Commission as herein provided, shall appoint a Market Investigator and not to exceed two Assistant Market Investigators, who shall be authorized to carry out the orders of the Montana Trade Commission and who shall under the order and direction of the Montana Trade Commission make such investigations as may be necessary into the business of any person, firm, co-partnership or corporation engaged in buying or selling any commodities, foodstuffs and products or articles of merchandise and farm implements and machinery within the State of Montana. The said Market Investigator shall have full power and authority under the orders and direction of the Commission, to investigate and examine any or all of the books or papers of any

person, firm, co-partnership or corporation engaged in business within the State of Montana, for the purpose of ascertaining the cost of commodities, food-stuffs and products, farm implements and machinery, and the selling price thereof, and to ascertain and determine the profits and charges collected by such persons, firms, co-partnerships or corporations in the conduct of such business. Such information so obtained shall be secret and shall not be divulged to anyone save the members of the Commission except upon order of the Commission.

Secret character of information obtained by market investigators.

Section 8. The Montana Trade Commission, the Market Investigator, or other duly authorized agents, after having been ordered and directed by the Commission, shall at all reasonable times have access to, and the right of examination, and to copy any documentary evidence of any person, firm, co-partnership or corporation doing business within the State of Montana. The said Commission shall have the power to require by subpoena, the attendance of witnesses and the production of all documentary evidence relating to any matter under investigation. Any member of the Commission may sign subpoenas, and members of the Commission may administer oaths and affirmations, examine witnesses and receive evidence.

Visitorial power of commission, market investigators, and other agents.

Issuance of subpoenas and production of evidence.

Section 9. The Commission may order testimony to be taken in the manner provided by law, by deposition in any proceeding or investigation pending under the provisions of this Act, and such deposition may be taken by any person designated by the Commission and having the power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition and under his direction shall then be subscribed by the witness, and such deposition may be taken either by interrogatories and cross-interrogatories, or by oral examination. Any person may be compelled to appear and testify and to produce any documentary evidence of any kind or character in the same manner as a witness may be compelled to appear and testify and produce documentary evidence before the Commission and its Agents.

Depositions.

Documentary evidence.

Section 10. The Montana Trade Commission, or the Market Investigator, under the orders and directions of the Commission, shall have the right, authority and power to enter upon any premises occupied by any person, firm, co-partnership or corporation doing business within the State of Montana for the purpose of making an exami-

Right to enter upon premises.

nation and investigation as the Commission may deem necessary.

Rules and regulations concerning investigations, conduct of proceedings.

Section 11. The Commission shall have the power to adopt a reasonable and proper set of rules and regulations relative to the investigation and examination of books and papers of any person, firm, copartnership or corporation transacting business within the State of Montana, and to adopt and promulgate reasonable and proper rules governing and authorizing proceedings conducted by them and regulating the mode and manner of all investigations and hearings. The Commission shall have the power and authority to inquire into the management of the business of any persons, firms, co-partnerships or corporations transacting any business of buying or selling commodities, foodstuffs and products, or articles of merchandise, and farm implements and machinery within the State of Montana, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such business the necessary information to enable the Commission to perform its duties.

Power of commission to inquire into business management.

Process to compel production of documentary evidence.

Section 12. The Commission may require by order of subpoena, to be served on any person, firm, co-partnership, or corporation coming within the provisions of this Act in the same manner that a summons is served in a civil action in the District Court, the production within this State at such time and place as it may designate, of any documentary evidence, books, accounts, papers or records kept by such person or corporation in any office or place within or without the State of Montana, or verified or certified copies thereof, if the Commission shall so order, in order that an examination thereof may be made by the Commission or under its direction.

Power of commission to regulate sale of commodities and fix prices.

Section 13. The Montana Trade Commission is hereby vested with authority to regulate the business of selling and otherwise disposing of all commodities, foodstuffs and products, articles of merchandise and farm implements and machinery within the State of Montana. The Montana Trade Commission may when and where and for so long a time as deemed advisable, after a hearing thereon as provided by this act, establish maximum prices or establish a reasonable margin of profit to be charged in any particular locality for all commodities, foodstuffs and products, articles of merchandise and farm implements

and machinery, and burial lots in public cemeteries operated for private gain.

Section 14. It shall be unlawful for any person, firm, co-partnership or corporation engaged in the business of buying or selling commodities, foodstuffs and products, articles of merchandise and farm implements and machinery within the State of Montana in any particular locality to charge more than the maximum price authorized by the Commission after a certified copy of any order is served upon them by the Montana Trade Commission.

Charges in excess of maximum price fixed by commission unlawful.

Section 15. All permits or licenses issued by the Montana Trade Commission shall expire on the 31st day of December of each year and shall be issued for a period of not to exceed one year.

Duration of permits or licenses.

Section 16. That any District Court of the State of Montana within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issue to any corporation or person, issue an order requiring such person or corporation to appear before the Commission, or to give evidence touching the matter in question; and any failure to obey such order of the Court can be punished by such Court as contempt thereof.

Contempt proceedings in district court in cases of contumacy.

Section 17. Upon a complaint made against any such person, firm, co-partnership or corporation by any person or persons, who are affected thereby that any of the rates, prices or charges are unreasonable or unjustly discriminatory, or that any regulations, measures, practices or acts whatsoever, affecting or relating to the production, manufacture, preparation or sale of such commodities, foodstuffs, and products, articles or merchandise and farm implements and machinery are unreasonable or by the Market Investigator after investigation under the order and direction of the Commission, the Commission shall proceed after reasonable notice, to make such investigation as it may deem necessary and proper, or to give notice of a hearing on the charge made by the Market Investigator after his investigation or other charge made as herein provided. Any information so obtained by such investigation shall be secret and shall not be divulged to anyone save the members of the Commission, except upon the order of the Commission, and a violation of this provision shall be deemed a misdemeanor and punishable as

Investigation of complaints of unreasonable or discriminatory charges.

Secret character of information obtained, and punishment of violation.

such, and shall be so kept secret and inviolate until a hearing shall be had on the matter so investigated.

Notice of hearing.

Section 18. The Commission shall give such persons, firms, co-partnerships or corporations and the complainant or complainants at least five days' notice of the time when, and the place where, such hearings will be held, at which hearing both the complainant and such persons, firms, co-partnerships or corporations shall have the right to appear by counsel or otherwise, and be fully heard. Either party shall be entitled to an order by the Commission for the appearance of witnesses or the production of documentary evidence, books, papers and documents containing material testimony. Witnesses appearing upon the order of the Commission shall be entitled to the same fees and mileage as witnesses in civil cases in the District Courts of the State, and the same shall be paid out of the State Treasury, in the same manner as other claims against the State are paid, but no fees or mileage shall be allowed, unless the Chairman of the Commission shall certify to the correctness of the claim.

Right of complainant and accused to appear in person or by counsel.

Right of both parties to compel the attendance of witnesses and the production of evidence.

Fees and mileage of witnesses.

How paid.

Commission may fix maximum rate of charges or profits when complaint well founded.

Section 19. If upon such hearing and due investigation, the rates or charges or profits shall be found to be unjust, unreasonable, or unjustly excessive, or otherwise in violation of the provisions of this Act, the Commission shall have the power to make an order substituting therefor such maximum rate or charges or schedule of profits as shall be just and reasonable.

Complaints of violation of act by licensee.

Notice to be served upon licensee.

Proceedings at hearing.

Orders finding licensee guilty and prohibiting further violations.

Section 20. That whenever complaint is filed with the Commission as herein provided that any licensee is violating any provisions of this Act, or any rule or regulation duly made and promulgated to carry out the provisions of this Act, they shall cause notice in writing to be served upon the licensee specifying the alleged violation and requiring him to attend and testify at a hearing before the Commission at a time and place designated therein, and at such time and place the Commission shall afford to the Market Investigator and the licensee a reasonable opportunity to be heard in person or by counsel and through witnesses, in accordance with regulations prescribed under this Act. If, after such hearing, the Commission finds that the licensee has violated the provisions of this Act, or of rules or regulations issued thereunder, they shall so find and shall make an order setting out the facts of violation by the licensee together with their order prohibiting the further violation of any of the provisions

of this Act of which the licensee may have been found guilty, and shall cause a copy of said order to be served upon the licensee directing the licensee to comply with the provisions of the order of the Commission from the date of service thereof. All testimony shall be taken in shorthand at the hearing before the Commission and filed in the records of the Commission. An order directed to a licensee shall include the Commission's findings of fact and decision and shall specify the date of service thereof upon the licensee, when it shall become effective.

Section 21. An order issued by the Commission, under the provisions of this Act, shall be final and conclusive unless within thirty days after its service upon him, the licensee appeals to the District Court of the county in which he has his principal place of business by filing with the clerk of said court a written petition praying that the Commission's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that the licensee will pay the costs of the proceeding if the court shall so direct. The clerk of the Court in which such petition is filed shall immediately cause a copy thereof to be delivered to the Commission and the Commission shall forthwith cause to be prepared, certified and filed in the court a full and accurate transcript of the record in the proceedings held before it under this Act, including the notice to the licensee, the charges against him, the evidence and the order of the Commission. The testimony and evidence taken or submitted before the Commission, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the District Court shall be made a preferred cause and shall be expedited in every way. The District Court may affirm or set aside the order of the Commission or may direct the Commission to modify its order. No order of the Commission under this Act shall be modified or set aside by the District Court unless it is shown by the licensee that the order is unsupported by satisfactory evidence or was issued without due notice and a reasonable opportunity having been afforded to the licensee for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of the Commission under the provisions of this Act.

Copies of orders to be served upon licensee.

Testimony to be taken in shorthand.

Contents of order directed to licensee.

Finality of order unless appealed from.

Appeal to district court.

How perfected.

Duty of clerk of county upon filing of petition on appeal.

Transcript to be prepared and filed by commission.

Testimony in record to be deemed evidence in case.

Despatch in proceedings in district court.

Power of district court on appeal, and limitations thereon.

Court may order additional evidence to be taken before commission.

Commission may modify its findings or substitute new findings.

Complaints by persons affected by act concerning their own product.

Hearing upon complaints.

Record of investigations to be kept by commission.

Inquiries into violation of act.

Duty of commission to enforce act and report violations to attorney general. Attorney general and prosecuting attorneys to aid in enforcement.

Actions to recover penalties and forfeitures.

Duty of attorney general and prosecuting attorneys.

If the court determines that the just and proper disposition of such an appeal requires the taking of additional evidence, the court may order such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as the court may deem proper. The Commission may modify its finding as to the facts or make new findings by reason of the additional evidence so taken, and they shall file such modified or new findings and recommendations, if any, for the modification or setting aside of its original order with the return of such additional evidence.

Section 22. Any person, firm, co-partnership or corporation coming within the provisions of this Act may make complaint as to any matter affecting its own product with like effect, as though made by any person or persons affected thereby. Notice of hearing on any such complaint shall be given to the persons interested in such manner as the Commission may by rule prescribe. A full and complete record shall be kept of all proceedings before the Commission or its representatives on any formal investigation, and all testimony shall be taken down by a stenographer appointed by the Commission.

Section 23. The Commission shall inquire into any neglect or violation of this Act, by any such persons, firms, co-partnerships or corporations coming within the provisions of this Act, and doing business in the State of Montana, or by the officers, agents, or employees thereof; shall have the power and it shall be its duty to enforce the provisions of this Act and report all violations thereof to the Attorney General. Upon the request of the Commission, it shall be the duty of the Attorney General or the prosecuting attorney of the proper county, or any county, to aid in any investigations, prosecutions, hearings or trial had under the provisions of this Act, and to institute and prosecute all necessary actions or proceedings for the enforcement of this Act.

Section 24. Any forfeiture or penalty herein provided shall be recovered and suit thereon shall be brought in the name of the State of Montana in the district court of any county having jurisdiction of the defendant. The Attorney General of the State of Montana shall be the counsel in any proceeding, investigation, hearing or trial, prosecuted or defended by the Commission, as also shall any county attorney selected by said Commission in any county where such action is pending.

Section 25. If any person, firm, co-partnership or corporation coming within the provisions of this Act shall violate any of the provisions of this Act or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it, or upon failure of any such person, firm, co-partnership, or corporation to place in operation any rate, price or charge, or to do any act herein prohibited or shall fail, neglect or refuse to obey any lawful requirement or order made by the Commission or any court, for every such violation, failure or refusal such person, firm, co-partnership or corporation shall be for the first offense punished by a fine of not less than One Hundred (\$100.00) Dollars and not to exceed One Thousand (\$1,000.00) Dollars, and shall be punished for any subsequent offense by a fine of not less than Five Hundred (\$500.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars, or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and imprisonment.

Penalties for violating act.

Section 26. The District Court shall have exclusive jurisdiction to enforce by proper decree, injunction or order, the rates, prices and charges, classifications, rulings, orders and regulations made or established by the Commission. The proceeding therefor shall be by action in the name of the State, and shall be instituted by the Attorney General or County Attorney, whenever advised by the Commission that any licensee is violating or refusing to comply with any rule, order, rate, price or charge, classification or regulation made by the Commission and applicable to such licensee. Such proceedings shall have the precedence over all other business in such courts, except criminal business. If in such action, it be the decision of the Court that the rule, regulation, order, rate, price or charge, or classification is not so unreasonable or unjust, and that in refusing compliance therewith the licensee is thereby failing or omitting to comply with any lawful order of the Commission, the court shall decree a mandatory and perpetual injunction compelling obedience to, and compliance with the rule, regulation, order, rate, price or charge or classification by the defendant, and its officers, agents, servants and employees, and may grant such other relief as may be deemed just and proper. Any violation of such decree shall render the defendant and officer, agent, servant or employee of the defendant, who is in any manner instrumental in such violation,

Exclusive jurisdiction of district court to enforce acts of commission.

Proceedings to be by action in name of state.

To have precedence over civil business.

Nature of relief granted.

Contempts punishable by fine and imprisonment.

Injunction to re-
main in force
until when.

Trial by jury
preserved.

Appeals to
supreme court.

Bribery or
attempted
bribery; how
punishable.

Soliciting or
accepting bribe
how punishable.

guilty of contempt, and each day shall constitute a separate and distinct offense, and shall be punishable by a fine not exceeding Five Hundred (\$500.00) Dollars for each offense, or by imprisonment of the person guilty of contempt until he shall sufficiently purge himself therefrom, and such decree shall continue and remain in effect and be in force until the rule, regulation, order, rate, price or charge, or classification shall be modified or vacated by the Commission or by the Court. Provided, however, that nothing herein contained shall be construed to deprive either party to such proceedings of the right to trial by jury, as provided by the seventh amendment to the Constitution of the United States, or as provided by the Constitution of this State, and on a trial by the court of any cause under this Act, it shall be the duty of the court, if the defendant shall demand a jury, to forthwith summon a jury as in civil actions for the trial of said cause.

Appeals may be taken to the Supreme Court from the judgment of any District Court in any action brought under the provisions of this Act; such appeals shall have precedence over all other business, except criminal business, and original proceedings in such Court, and shall be heard and determined as are appeals in civil actions.

Section 27. Every person who gives, or offers to give a bribe to the Montana Trade Commission or any member thereof, investigator, agent or employee, or to any person under the employ of the Montana Trade Commission in any capacity whatsoever, under the provisions of this Act, with intent to influence his vote, opinion, or decision or report upon any matter or question which is or may be brought before said Montana Trade Commission, is punishable by imprisonment in the State Prison for not less than one nor more than ten years.

Section 28. Every person, member of the Montana Trade Commission, investigator, agent or employee, and every person charged with or connected in any manner with the duty of enforcing this Act, who asks, receives or agrees to receive any bribe upon any agreement or understanding that his vote, opinion, judgment, action, decision or other official act or proceeding upon any matter or question which is or may be brought before him for decision or consideration, shall be influenced thereby, is punishable by imprisonment in the State Prison for not less than one nor more than ten years.

Section 29. It shall be the duty of the Commission in carrying out the provisions of this Act, to co-operate with the Federal Trade Commission or any other commission now or that may hereafter be authorized by Congress having for its purpose or object the reduction of the high cost of living.

Co-operation with federal commissions to reduce cost of living.

Section 30. That there is hereby appropriated out of the funds in the State Treasury not otherwise appropriated the sum of twenty-five thousand dollars, or so much thereof as may be necessary, said sum to be expended under the orders and directions and by the authority of the Montana Trade Commission and paid out by the State Treasurer in the same manner as other moneys are paid by warrant drawn on the State Treasury of said State.

Appropriation in aid of act.

Section 31. This Act is hereby declared to be an emergency law, and a law necessary for the immediate preservation of the public health, peace and safety.

Act declared an emergency law.

Section 32. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 33. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 22.

"An Act to Amend Section 5 of Chapter 124, Laws of the Fifteenth Legislative Assembly, Entitled, 'An Act Providing for the Safe Investment of the State Permanent Common School Funds, and all Other Permanent State Educational, Charitable and Penal Institution Funds in the Securities Herein Designated; for the Prompt Collection of Interest Thereon; Providing a Method of Procedure in Making said Investments to Guard and Protect such Funds; and Prescribing the Duties and Obligations of the Various Officers of the State in Making said Investments, and Repealing all Laws and Parts of Laws in Conflict Herewith.' "

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5 of Chapter 124, Laws of the Fifteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Section 5 of law amended.

Mortgages given to secure loans of common school, state educational, etc. funds, to be in name of state as mortgagee.

Period during which mortgage may run.

Interest rate and payment periods.

Part payment of principal may be made, when.

Payment in full before maturity.

Repealing clause

“Section 5. All mortgages given to secure loans of such funds on farm lands shall be made in the name of the State as mortgagee, and all such mortgages shall run for a period of not less than three (3) years, nor more than ten (10) years, and the funds so invested shall bear interest at the rate of six per centum (6%) per annum, payable annually to the Register of State Lands of the State of Montana. Provided, however, that when any mortgage has been given for a period of ten (10) years, the mortgagor shall have the privilege and option after three annual interest payments have been made of paying, at any interest bearing date, in addition to the interest, ten per centum (10%) or any multiple thereof, of the principal secured by such mortgage. Provided, further, that the State Board of Land Commissioners may, in its discretion, permit the full payment of any mortgage given to secure a loan actually held by the state at any time prior to the maturity thereof.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 23.

“An Act Requiring All Persons or Corporations Using Coal Burning Locomotives, Skidders, Loaders and Portable Engines to Equip the same with Spark Arresters; and Providing a Penalty for Violating the Provisions of this Act.”

Be it enacted by the Legislative Assembly of the State of Montana:

Coal-burning locomotives, skidders, etc., to be equipped with spark-arresters.

Section 1. That all persons or corporations using coal burning locomotives, skidders, loaders and portable engines shall equip and keep in proper and workable condition the same with approved and suitable spark arresters so as to prevent the escape of sparks liable to communicate fire.

Failure to comply with act a misdemeanor.

Section 2. Any person or corporation failing to comply with the provisions of Section 1 of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty (50) nor more

than five hundred (\$500.00) dollars, and each day such locomotive, skidder, loader or portable engine is used without a suitable spark arrester shall constitute a separate offense. Penalty.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This Act shall be in full force and effect from and after December first, 1919.

Approved August 11, 1919.

CHAPTER 24.

An Act to Amend Section 2973 Revised Codes of 1907, as Amended by Chapter 70 of the Laws of the Fourteenth Legislative Assembly, and Chapter 76, Laws of the Fifteenth Legislative Assembly, Relating to the classification of Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2973 of the Revised Codes of the State of Montana (1907), as amended by Chapter 70 of the laws of the Fourteenth Legislative Assembly be and the same is hereby amended to read as follows:

Section 2973,
Revised Codes,
amended.

"Section 2973. For the purpose of regulating the compensation and salaries of all county officers, not otherwise provided for, and for fixing the penalties of officers' bonds, the several counties of this State shall be classified according to that percentage of the true and full valuation of the property therein upon which the tax levy is made, as follows:

Classification of
counties for fixing
salaries and
official bonds.

First Class: All counties having such a taxable valuation of Fifty Millions of Dollars or over.

Second Class: All counties having such a taxable valuation of more than Thirty Millions and less than Fifty Millions of Dollars.

Third Class: All counties having such a taxable valuation of more than Twenty Millions and less than Thirty Millions of Dollars.

Fourth Class: All counties having such a taxable valuation of more than Fifteen Millions and less than Twenty Millions of Dollars.

Fifth Class: All counties having such a taxable valuation of more than Ten Millions and less than Fifteen Millions of Dollars.

Sixth Class: All counties having such a taxable valuation of more than Five Millions and less than Ten Millions of Dollars.

Seventh Class: All counties having such a taxable valuation of less than Five Millions of Dollars.

Reclassification prohibited prior to 1921.

Exception.

Provided, however, that there shall be no reclassification of counties until after March 10, 1921, except in counties from which territory has been taken by the creation of new counties since January 1, 1919.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved August 12, 1919.

CHAPTER 25.

"An Act for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section 20 of Article 7 of the Constitution of the State of Montana Creating a Board of Examiners and Defining and Prescribing its Powers and Duties; Authorizing the Legislative Assembly to Create a Board of Administration and Defining and Prescribing its Powers and Duties; and Authorizing the Legislative Assembly to Create such Administrative Departments as the Interests of the State May Require and in Creating such Departments, the Legislative Assembly May Consolidate or Abolish any Boards, Offices and Bureaus Created by Statutory Law, and Define and Prescribe Their Functions, Powers and Duties."

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 20, Art. 7, Const. Mont., submitted to electors for amendment.

Section 1. That Section 20 of Article VII of the Constitution of the State of Montana be amended, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Sec. 20, Art. 7, Const. Mont., amended.

Section 2. That Section 20 of Article VII of the Constitution of the State of Montana be, and the same is hereby amended to read as follows:

Board of examiners to be constituted of governor, secretary of state, and attorney general.

"Section 20. The Governor, Secretary of State and Attorney General shall constitute a Board of Examiners, which Board shall have general supervisory control of the examination and payment of all claims against the

State, under such regulations as may be prescribed by law, and shall perform such other duties as may be prescribed by law.

Examination and payment of claims, and other duties.

The Legislative Assembly may provide for the temporary suspension of the State Treasurer by the Governor when the Board of Examiners deem such action necessary for the protection of the moneys of the State. The Legislative Assembly shall have power to provide for the creation of a Board of Administration, whose duty it shall be to examine and audit all claims against the State, except claims for salaries and compensation of officers fixed by law. Such Board of Administration shall have power to regulate and control all purchases by State officers, boards, departments and bureaus, and perform such other duties as may be prescribed by law. No claims against the State, except for salaries and compensation of officers fixed by law, shall be passed upon by the Legislative Assembly, without first having been considered and acted upon by the said Board of Administration. The Legislative Assembly shall have power to create such administrative bureaus, boards and departments as the interests of the State may require, and may consolidate or abolish any administrative bureaus, boards or departments heretofore or hereafter created by the Legislative Assembly, and may define and prescribe the functions, powers and duties of such bureaus, boards or departments, within the powers, provisions and limitations of this Constitution.

Temporary suspension of state treasurer, may be provided for when.

Power of legislature to create board of administration.

Board shall examine and audit claims.

Control of board over purchases by officers, boards, departments, etc.

Board to act upon claims before being passed upon by legislature.

Power of legislature to create, consolidate, or abolish administrative bureaus, boards, and departments.

Section 3. That separate official ballots shall be provided at the general election to be held in November 1920, which shall have printed thereon all of Section 20 of Article VII of the Constitution of the State of Montana as amended by this act. Below said amended section there shall be printed on the ballots:

Official ballots.

☐

For the above written amendment to the Constitution.

☐

Against the above written amendment to the Constitution.

Form of ballot.

The elector shall indicate his preference by marking an "X" in the square before the proposition for which he desires to vote.

Section 4. The votes cast for and against said proposed amendment shall be canvassed and the result deter-

Canvass of votes.

mined in the manner provided by the general election laws of the State of Montana.

Repealing clause. Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 26.

“An Act to Amend Section 10 of Chapter 125 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana, Entitled: “An Act to Establish a State Hospital to be Known as the ‘Montana State Tuberculosis Sanitarium’ in Some Suitable Location in the State of Montana, for the Treatment of Tuberculosis and also What is Commonly Known as Miner’s Consumption, Prescribing Rules and Regulations for the Same, and Making Appropriation Therefor.’ ”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 10 of law amended.

Section 1. That Section 10 of Chapter 125 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Who may be admitted to tuberculosis sanitarium as free patients.

“Section 10. The executive board of said sanitarium is hereby given power and authority to receive therein patients who have no ability to pay but no person shall be admitted to the sanitarium who has not been a citizen of this state for at least one year, excepting that a female who has been a resident of the state for at least five months preceding the date of the application, may be so admitted, though not a citizen. Every person desiring free treatment in said sanitarium shall apply to the local authorities of his or her town, city or county, having charge of the relief of the poor who shall thereupon issue a written request to the president of said sanitarium for the admission and treatment of such person. Such request shall state in writing whether the person is able to pay for his or her care and treatment while at the sanitarium, which request and statement shall be kept on file by the president in a book kept for that purpose in the order of their receipt by him. No persons shall be admitted as a patient in said institution without certificate of

Required citizenship.

Residential qualification of females.

Applicant to be admitted as a free patient.

Facts to be stated in application.

To be kept on file.

Certificate of physician required.

an examining physician, certifying that such applicant is suffering from tuberculosis or what is commonly called Miner's Consumption, and if upon the reception of a person at such sanitarium it is found by the authorities thereof that he or she is not suffering from tuberculosis or Miner's Consumption, he or she shall be returned to the place of his or her residence, and the expense of transportation to and from the sanitarium shall be paid by the county of which he or she is a resident. Admissions to said sanitarium shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided by the president of said sanitarium, in so far as such applicants are subsequently certified by the said examining physician to be suffering from tuberculosis or Miner's Consumption. Every person who is declared as herein provided to be unable to pay for his or her care and treatment, shall be transported to and from the sanitarium at the expense of said local authorities, and cared for, treated and maintained therein at the expense of the county or municipality which would otherwise be chargeable with the support of such poor or indigent persons and the expense of transportation, treatment, maintenance and the actual cost of articles of clothing furnished by the sanitarium to such poor and indigent persons shall be a county or town charge, as the case may be. Provided further that any soldier, sailor or marine who has served in the Army or Navy of the United States, and was at the time thereof a citizen of or had established his residence in the State of Montana, who on discharge therefrom is found to be suffering from Tuberculosis, and whose admission to the Montana State Tuberculosis Sanitarium is requested by the proper federal authorities shall be entitled to be admitted thereto and shall be classed for the purpose of admission on the same basis as free patients, and all such soldiers, sailors or marines shall be given priority for entrance thereto over other applicants in the order in which their applications for admission are received and filed.

The Treasurer of the sanitarium shall collect and receive any sum or sums the Federal Government may allow or pay for such purpose and shall pay the same over to the State Treasurer.

Section 2. That Twenty Thousand Dollars (\$20,000.00) or so much thereof as may be necessary be and the same is hereby appropriated out of any moneys in the State

Persons found free from disease to be returned at expense of county whence they came.

Free patients to be admitted by order of names.

Transportation of free patients at expense of local authorities.

Treatment and maintenance to be at expense of county or municipality otherwise chargeable with support of patient.

Admission of soldiers, sailors, and marines as free patients upon request of federal authorities.

Conditions of admission.

To be given priority of entrance.

Collection of allowance from federal government.

Appropriation for the construction of buildings to carry out act.

Disposal of
bonds.

Treasury not otherwise appropriated for the construction of any building or buildings at the Montana State Tuberculosis Sanitarium to carry out the provisions of this Act and that the Veterans Welfare Commission is hereby ordered and instructed to market Twenty Thousand Dollars (\$20,000.00) of the bonds authorized to be issued by the regular session of the Sixteenth Legislative Assembly, and that from the money so received the general fund of the State of Montana be reimbursed for the appropriation made and the money expended by this Section provided.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall take effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 27.

An Act to Repeal Initiative Measure Entitled: "A Bill to Propose by Initiative Petition a Law to Provide for the Expression by the People of the State of Montana of Their Preference of Party Candidates for President and Vice-President of the United States, the Election of Delegates to Presidential Conventions, and the Nomination of Presidential Electors by Direct Vote," Initiated and Passed by the People of Montana at the General Election of 1912; and Declare This Act to be an Emergency Law Necessary for the Immediate Preservation of the Public Peace and Safety.

Be it enacted by the Legislative Assembly of the State of Montana:

Initiative bill of
1912, providing
for the expres-
sion by the
people of their
choice of certain
party candidates,
repealed.

Section 1. That Initiative Bill entitled: "A Bill to Propose by Initiative Petition a Law to Provide for the Expression by the People of the State of Montana of Their Preference of Party Candidates for President and Vice-President of the United States, the Election of Delegates to Presidential Conventions, and the Nomination of Presidential Electors by Direct Vote," Initiated and Passed by the People of Montana at the General Election of 1912 be, and the same is hereby repealed.

Act declared to
be an emergency
law.

Section 2. This Act is hereby declared to be an emergency law and a law necessary for the immediate preservation of the public peace and safety.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 28.

An Act to Amend Sections 2, 3, 10, 16, 21 and 32 and to Repeal Sections 20 and 22 of the Law Initiated and Passed by the People of the State of Montana at the General Election of 1912, Entitled, 'A Bill to Propose by Initiative Petition a Law to Provide for Party Nominations by Direct Vote' and to Add Three New Sections Thereto to be Known as Sections 3A, 3B and 3C; and Declaring This Act to be an Emergency Law and a Law Necessary for the Immediate Preservation of the Public Health, Peace and Safety.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That Section 2 of the Law initiated and passed at the general election of 1912, entitled, "A Bill to propose by initiative petition a law to provide for party nominations by direct vote," be and the same is hereby amended to read as follows: Section 2 of initiative law of 1912, providing for party nominations by direct vote, amended.

"Section 2. DATE FOR HOLDING PRIMARY ELECTIONS. ELECTION OF DELEGATES TO NATIONAL CONVENTION AND NOMINATIONS OF PRESIDENTIAL ELECTORS. On the forty-fifth day before the first Monday in June in the years in which a President and Vice President of the United States are to be elected and on the second Tuesday of June, next preceding any general election in other years (not including special elections to fill vacancies, municipal elections in towns and cities, irrigation districts and school elections) at which public officers in this state and in any district or county are to be elected, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for senator in Congress and all

Date for holding primary elections.

Object of election.

Delegates to national convention and presidential electors.	other elective state, district and county officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this State, or any subdivision of this State, and also for choosing and electing county central committeemen by the several parties subject to the provisions of this law. The members of the political parties subject to this law shall elect their party delegates to their national conventions for the nomination of their party candidates for President and Vice-President of the United States, and shall nominate candidates for their party Presidential Electors at such nominating election. The governor shall grant a certificate of election to each of the delegates so elected. Nominating petitions for the office of delegate to the respective party national conventions, to be chosen and elected at said nominating election, shall be sufficient if they contain a number of signatures of the members of the party equal to one percent of the party vote in the State at the last preceding election for Representatives in Congress; Provided, that not more than five hundred signatures shall be required on any such petition. A number of such candidates equal to the number of delegates to be elected by each party which is subject to the provisions of this law, receiving, respectively, each for himself, the highest number of votes for such office, shall be thereby elected. Every political party subject to the provisions of this law shall be entitled to nominate, at said nominating election, as many candidates for the office of Presidential Elector as there are such officers to be elected; that number of aspirants in every such party who shall receive, respectively, each for himself, the highest number of votes of his party for that nomination, shall be thereby nominated as a candidate of his political party for the office of Presidential Elector.
Certificates of election. Nominating petitions.	
Number of signatures required.	
Number of candidates to be elected.	
Number of party candidates.	
Expenses of delegates to national conventions.	Every delegate to a national convention of a political party recognized as such organization by the laws of Montana, shall receive from the State Treasury the amount of his traveling expenses necessarily spent in actual attendance upon said convention, as his account may be audited and allowed by the Secretary of State, but in no case to exceed two hundred dollars for each delegate; Provided, that such expenses shall never be paid to any greater number of delegates of any political party than would be allowed such party under the plan by which the number
Proviso.	

of delegates to the Republican National Convention was fixed by the Republican Party of Montana in the year 1912. The election of such national delegates for political parties not subject to the Direct Primary Nomination Election Law shall be certified in like manner as nominations of candidates of such political parties for elective public offices. Every such delegate to a national convention to nominate candidates for President and Vice President shall subscribe to an oath of office that he will uphold the constitution and the laws of the United States and of the State of Montana, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party, as expressed by its voters at the time of his election."

Certification of election of delegates.

Oath of office of delegates.

Section 2. That Section 3, of the Law initiated and passed at the general election of 1912, entitled, "A Bill to propose by initiative petition a law to provide for party nominations by direct vote," be and the same is hereby amended to read as follows:

Section 3 of initiative law of 1912, providing for party nominations by direct vote, amended.

"Section 3. DUTY OF COUNTY CLERK—NOTICE OF PRIMARY ELECTIONS FORM OF BALLOT, ETC. It shall be the duty of the county clerk, thirty days before any primary nominating election, to prepare printed notices of such election, and mail two of said notices to each Judge and clerk of election in each precinct; and it shall be the duty of the several judges and clerks immediately to post said notices in public places in their respective precincts. Said notices shall be substantially in the following form:

Notice of election; duty of county clerk.

PRIMARY NOMINATING ELECTION NOTICE.

Notice is hereby given that on....., the..... day of 19.... at the....., in the precinct of in the county of.....Montana a primary nominating election will be held at which the (insert names of political parties subject to this law) will choose their candidates for State, district, county, precinct, and other offices, namely (here name the offices to be filled) including delegates to any constitutional convention then called, and candidates for county central committeemen to be elected; which election will be held at 12 o'clock, noon, and will continue until 7 o'clock in the afternoon of said day.

Form of notice.

Dated this.....day of.....19.....
.....County Clerk.

Australian ballot
to be used at
primary elections.
Marking ballot.

The Australian Ballot as now used in this State, except as hereinafter provided, shall be used at said primary elections in all precincts. The voter shall in all cases mark the ballot in the square before the name of each person for whom he desires to vote. The elector voting at said primary election shall be allowed to vote for candidates on the ticket of one political party and that shall be the party which the voter designates at the time he applies for the official ballot.

Form and
arrangement of
ballots.

The names of the candidates of each political party for the nomination of the several offices including precinct committeemen shall be printed in black ink on separate sheets of white paper of uniform quality, texture and size, with the name of the political party printed at the head of said ballot. Each ballot shall be prepared by the County Clerk in the same manner as for general elections except as herein otherwise provided. The County Clerk shall take the total number of ballots to be prepared for such election and shall divide the same into lots of twenty-five each and shall number each lot consecutively. He shall then arrange the names of all candidates for each office by their surnames alphabetically and such arrangement shall be the arrangement of the names in Lot 1. For Lot 2, he shall then place the first name appearing as a candidate for each office at the bottom of the list of candidates for that office so that the names appearing first for the respective offices in the lot preceding shall be placed last and the names that were second before the change shall be first following the change. He shall then follow this method for each lot in the order of their lot number until the names have been rotated throughout the total number of ballots to be printed.

Names to be ar-
ranged alphabet-
ically and list
rotated on suc-
ceeding lots.

Stamp on official
ballot.

The official ballot shall bear the stamp in the same manner and form as provided for in the general election laws for stamping official ballots.

Effect of voting
name of candi-
date on another
party ticket.

If any primary elector write upon his ticket the name of any person who is a candidate for the same office on some other party ticket other than that upon which his name shall be printed, such ballot shall be counted for such person only as a candidate for the party upon whose ballot his name is written, and in no case shall it be counted for such person as a candidate on any other ticket.

Rules governing
printing names of
candidates on
ballot.

In case a person be nominated on more than one ticket or in case a person is nominated by a party other than the one under which he filed his nominating petition, his

name shall appear at the general election only on the ticket of the party under which he filed his nominating petition and in no event shall he appear as the candidate of any other party. No person who shall have been a candidate for nomination for any office at the primary election and who fails to receive the nomination for such office at such election shall be permitted to appear on the ballot at the general election as an independent candidate or as the candidate of any other party at such election. And no person whose name has been written on the ballot at the primary election as a candidate for any office shall have his name printed on the official ballot at the general election unless he shall have received at said primary election at least as many votes as would have been necessary as signers to a nominating petition as prescribed in Section 11 of the law entitled, "A Bill to propose by Initiative Petition a Law to Provide Party Nominations by Direct Vote."

Candidate defeated at primary shall not appear on ballot at general election, except when.

Section 3. That the law initiated and passed at the general election 1912, entitled, "A Bill to Propose by initiative petition a law to provide for party nominations by direct vote," be and the same is hereby amended by adding a new section thereto to be known as Section 3A, to read as follows:

Section 3A added.

"Section 3A. VOTER TO INDICATE PARTY BALLOT HE DESIRES. At the primary election any person shall be entitled to participate therein who is a qualified elector in such precinct, at the time of said primary election. When the voter seeks to pass the guard rail he shall indicate the party ballot he desires and one of the Judges of the primary election shall give him such primary ballot and such person shall thereupon be allowed to vote. The voter's selection shall constitute his declaration of party affiliation."

Who entitled to vote at primary election.

Voter must indicate choice of party ballot.

Section 4. That the law initiated and passed at the general election of 1912, entitled; "A Bill to propose by initiative petition a law to provide for party nominations by direct vote be, and the same is hereby amended by adding a new section thereto to be known as Section 3B, to read as follows:

Section 3B added.

"Section 3B. CHALLENGERS TO BE APPOINTED. Each political party shall be entitled to have two party challengers present at each polling place to be appointed by the respective party committeemen. Any Judge or Clerk of any primary election or any party challenger

Appointment of challengers.

Right of judge or clerk to challenge voter.

Oath of chal-
lenged elector.

may challenge any voter. When any elector's party affiliation has been challenged (if the person challenged insists that he is entitled to vote the ticket of the political party to which he has indicated his party affiliation and the challenge is not withdrawn) one of the Judges shall administer to him the following oath: "You do solemnly swear or affirm that you are in good faith a member of the.....party; and intend to affiliate with said party at the ensuing election." If the person challenged takes such oath, he shall thereupon be given the ticket of such political party and shall be entitled to cast his vote.

Section 3C added

Section 5. That the law initiated and passed at the general election of 1912, entitled, "A Bill to propose by initiative petition a law to provide for party nominations by direct vote," be, and the same is hereby amended by adding a new section thereto to be known as Section 3C to read as follows:

Withdrawal of
nominee.

"Section 3C. WITHDRAWAL OF NOMINEE. When any person nominated for public office as in this Act provided, shall at least fifteen (15) days before the general election, notify the officers with whom the original certificate of nomination was filed, or if a municipal office, the clerk of the city or town, by statement in writing by him, duly acknowledged, that he declines such nomination, then the same shall be void and his name shall not be printed upon the ballot, but if such declaration shall be received after the time above specified, the officer to whom such notification be given, shall inform, by mail or otherwise the Chairman or Secretary of the Campaign or party committee of his political party, if there be one, and if not, at least three (3) of the prominent members of his political party in the county, that he has declined such nomination by mailing or delivering to them personally, notice of such facts and three (3) days shall be given such party Committee to name a person to fill such vacancy. And if such vacancy occurs before 15 days before said election then said political party committee shall have the power to fill said vacancy."

Effect of with-
drawal 15 days
before election.

Effect of with-
drawal after such
time.

Authority to fill
vacancies caused
by withdrawal.

Section 10
amended.

Section 6. That Section 10 of the law initiated and passed at the general election of 1912, entitled, "A Bill to propose by initiative petition a law to provide for party nominations by direct vote," be, and the same is hereby amended so as to read as follows:

"Section 10. FORM OF PETITION FOR NOMINATION: Any qualified elector who has filed his petition shall have his name printed on the official nominating ballot of his party as a candidate for nomination for any office at any primary nominating election held under the provisions of this act, if there shall be filed in his behalf a petition signed as herein required, and substantially in the following form:

Elector entitled to have name printed in ballot upon filing of nominating petition in his behalf.

To.....(address of the officer, with whom the petition is to be filed, and to the members of the..... party and the electors of (state), counties of..... comprising the.....district, (county), (city), (as the case may be), in the State of Montana.

Form and requirements of petition for nomination.

I....., reside at....., and my post-office address is..... If I am nominated for the office of.....at the primary nominating election to be held in the (State of Montana), (district), (County), (city), the.....day of.....19....., I will accept the nomination, and if I am elected I will qualify as such officer.

If I am nominated and elected I will, during my term of office (here the candidate, in not exceeding one hundred words, may state any measure or principles he especially advocates, and the form in which he wishes it printed after his name on the nominating ballot, in not exceeding twelve words.)

Every such petition shall be signed as above by the elector seeking such nomination. There shall be a separate leaf or sheet signed as above on every such petition for each precinct in which it is circulated. After the above, and on a separate sheet or sheets, shall be the following petition:

To.....(Secretary of State for Montana) or (to.....the county clerk for the county of..... Montana), or to.....city clerk of.....), (as the case may be).

We, the undersigned members of party and qualified electors and residents of.....precinct, in the county of....., State of Montana, respectfully request that you will cause to be printed on the official nominating ballot for the.....party, at the aforesaid primary nominating election, the name of the above signed(name of applicant), as a candidate for nomination to the office of.....(title of office) by said party.

FORM

Name.....Postoffice Address.....Street and
Number, if any..... precinct.....

Each and every leaf or sheet of said petition containing signatures shall be verified in substantially the following form by one or more of the signers of said petition:

State of Montana, County of....., ss.

I,....., being first duly sworn, say: I am personally acquainted with all the persons who have signed this sheet of the foregoing petition, and I personally know that their signatures thereon are genuine; and I believe that their postoffice address and residence are correctly stated and that they are qualified electors and members of the.....party.

.....
Signature of affiant)

Subscribed and sworn to before me this.....
day of....., 19.....

.....
Signature and title of officer before whom oath is made.)

Section 16
amended.

Section 7. That Section 16 of the law initiated and passed at the general election of 1912, entitled "A Bill to propose by initiative petition a law to provide for party nominations by direct vote," be and the same is hereby amended to read as follows:

Laws applicable
to nominations
and petitions for
nominations in
case of death or
removal of can-
didate.

"Section 16. NOTICE OF DEATH OR WITHDRAWAL: The provisions of Section 529 and 530, Revised Codes of Montana, 1907, shall apply to nominations, or petitions for nominations, made under the provisions of this law, in case of the death of the candidate or his removal from the state or county or his electoral district before the date of ensuing election or in case of his withdrawal before any primary election or for any other cause.

Authority to fill
vacancy caused
by death or
removal of
candidate.

In case of any such vacancy by death or removal from the State, or from the county or electoral district, or from any other cause, such vacancy may be filled by the committee which has been given power by the political party or this law to fill such vacancy, substantially in the manner provided by Sections 529 and 530, Revised Codes of Montana, 1907."

Section 21
amended.

Section 8. That Section 21 of the law initiated and passed at the general election of 1912, entitled, "A Bill to propose by initiative petition a law to provide for party nominations by direct vote," be, and the same is hereby amended to read as follows:

"Section 21. OFFICIAL BALLOTS AND SAMPLE BALLOTS—NUMBER OF. There shall be provided and furnished at each primary nominating election for each election precinct, one and one-fourth times as many official ballots as there are registered voters in such precinct, and one-fourth as many colored sample ballots as there are registered voters in such precinct. The sample ballots shall be duplicate impressions of the official ballots to be voted, but in no case shall they be white. These colored sample ballots shall be furnished as soon as printed at any time before the primary nominating election by the respective county or city clerks in reasonable quantities, to all electors applying for same; and on the day of said election under the direction and control of the judges at each polling place said colored sample ballots shall be given in proper quantities to all electors applying for them."

Official ballots and sample ballots, number to be furnished.

Distribution of sample ballots.

Section 9. That Section 32 of the law initiated and passed at the general election of 1912, entitled, "A Bill to propose by initiative petition a law to provide for party nominations by direct vote" be, and the same is hereby amended to read as follows:

Section 32 amended.

"Section 32. COMMITTEEMEN TO BE ELECTED BY EACH PARTY. There shall be elected by each political party, subject to the provisions of this law, at said primary nominating election, a committeeman for each election precinct, who shall be a resident of such precinct. Any elector, being a member of their party, may be placed in nomination for committeeman of any precinct by a writing so stating, signed by any five members of any political party being qualified electors of such precinct, and filed in the office of the county clerk within the time required in this act for the filing of petitions naming individuals as candidates for nomination at the regular biennial primary election: but no such nomination paper shall be filed unless verified by the affidavit of one of the signers to the effect that said signers are bona fide members of the political party named in the same. The names of the various candidates for precinct committeeman of each political party shall be printed on the ticket of the same in the same manner as other candidates and the voter shall express his choice among them in like manner as for such other candidates. The committeeman thus elected shall be the representative of his political party in and for such precinct in all ward or subdivision committees that may

Election of precinct committeemen.

Nomination of precinct committeemen.

Requisites of nomination paper.

Names of committeemen to be printed on ticket.

Representative character of committeemen.

Precinct committeemen constitute county central committee.	be formed. The committeemen elected in each precinct in each county shall constitute the county central committee of each of said respective political parties. Those committeemen who reside within the limits of any incorporated city or town shall constitute ex-officio the city central committee of each of said respective political parties, and shall have the same power and jurisdiction as to the business of their several parties in such city matters that the county committee has in county matters, save only the power to fill vacancies in said committee, which power is vested in the county central committee. Each Committeeman shall hold such position for the term of two years from the date of the first meeting of said committee immediately following their election. In case of a vacancy happening on account of death, resignation, removal from the precinct or otherwise, the remaining members of said county committee may select a committeeman to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurred. Said County and city central committees shall have the power to make rules and regulations for the government of their respective political parties in each County and city not inconsistent with any of the provisions of this law, and to elect the county member of the state central committee and of the members of the congressional committee, and said committees shall have the same power to fill all vacancies and make rules in their jurisdiction that the county committee has to fill vacancies and make rules. Said county and city central committees shall have the power to make nominations to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election, where such vacancy is caused by death or removal from the electoral district or for any other cause. Said Committee shall meet and organize by electing a chairman and secretary within ten days after the candidates of their respective political parties shall have been nominated. They may select managing or executive committees and authorize such subcommittees to exercise any and all powers conferred upon the county, city, state and congressional central committees respectively by this law. There shall be elected by each political party subject to the provisions of this law, at the convention provided for in Section 34 of the bill initiated and passed by the people in 1912 to provide for party nominations by direct vote, one National Committeeman
Committeemen from incorporated cities and towns constitute ex officio city central committee.	
Power and jurisdiction of city central committee.	
Term of office of committeemen.	
Filling of vacancies in committeemen.	
Powers of county and city central committees.	
Meetings and organization of committees.	
Executive committees and subcommittees.	
Election of national committeeman.	

who shall represent the State of Montana as a member of the National Committee of his party and shall hold office for the term of four years, said committeeman to be elected in the same year in which the President of the United States is elected."

Section 10. That Sections 20 and 22 of the law initiated and passed at the General Election of 1912, entitled, "A Bill to propose by initiative petition a Law to provide for Party Nominations by direct vote" be, and the same are hereby repealed.

Section 11. That Chapter 113 of the Session Laws of the Sixteenth Legislative Assembly of the State of Montana be and the same is hereby repealed.

Section 12. All Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 13. This Act is declared to be an emergency law, and a law necessary for the immediate preservation of the public peace and safety.

Act declared to be an emergency law.

Section 14. This Act shall take effect and be in full force from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 29.

"An Act to Amend Section 2 of Chapter 50 Acts of Sixteenth Legislative Assembly of the State of Montana, Entitled 'An Act Relating to the Office of County Surveyor; Defining the Duties and Qualifications, and Providing for Qualifications of Deputies.'"

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 50 Acts of Sixteenth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Section 2 of law amended.

"Section 2. The County Surveyor shall work under the direction of the Board of County Commissioners, but shall have no power or authority to incur any indebtedness on the part of the county without the order or approval of the Board of County Commissioners being first obtained therefor; he shall make all surveys, establish all grades, prepare plans, specifications and estimates; he shall report any delinquency or inefficiency of any road overseer or other person employed upon the roads within his county; he shall, from time to time, make

County surveyor to work under county commissioners.

Requires approval of commissioners to incur indebtedness.

Duties of county surveyor.

progress reports and estimates of all work and such other facts in relation thereto as may be required by the State Highway Commission, Board of County Commissioners, or both.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 30.

An Act Relating to the Montana Trade Commission; Providing for and Fixing the Salaries and Compensation of the Members Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Salaries of members of Montana trade commission.

Section 1. That each member of the Montana Trade Commission shall receive an annual salary of one thousand dollars (\$1,000.00), to be paid out of the fund created for said commission, which salaries shall be paid at the same time and in the same manner as salaries of other state officers.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

CHAPTER 31.

“An Act to Increase the Number of Justices of the Supreme Court from Three as at Present Constituted, to Five; Providing for the Designation of said Additional Justices, and Providing for the Qualifications, Election, Tenure of Office, Salaries, Emoluments, Powers, Jurisdiction and Duties of the Additional Justices Herein Provided for; and Amending Section 6244 of the Revised Codes of Montana of 1907, Relating to the Number, Election and Tenure of Office of Justices of the Supreme Court, and Appropriating Money to Carry

Out the Purposes and Provisions of this Act, and Declaring this Act to Be An Emergency Act.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6244 of the Revised Codes of Montana of 1907, be and the same is hereby amended so as to read as follows:

Section 6244,
Revised Codes,
amended.

“Section 6244. On and after September 1st, 1919, the Supreme Court shall consist of a Chief Justice and four Associate Justices, who shall be elected by the qualified electors of the State at large, at the general state elections next preceding the expiration of the terms of office of their predecessors respectively, and shall hold their offices for the term of six years from and after the first Monday of January next succeeding their election.”

Number of
justices of the
supreme court
increased to five.

Election and term
of office.

Section 2. The first term of office of one of the additional Justices of the Supreme Court hereby provided for shall extend from the first day of September, 1919, to the first Monday of January, 1921; and John Hurley of Valley County, Montana, is hereby named as said Justice of the Supreme Court and he shall hold said office for said term.

Term of office
and designation
of first additional
justice.

Section 3. The first term of office of the other said additional Justice of the Supreme Court hereby provided for shall extend from the first day of September, 1919, to the first Monday of January, 1923; and George Y. Patton of Gallatin County, Montana, is hereby named as said additional Justice of the Supreme Court, and he shall hold said office for said term.

Term of office
and designation
of second additional
justice.

Section 4. The qualifications, salary, powers, jurisdiction and duties of each of the additional Justices herein provided for shall be in all respects similar to those now possessed, had, enjoyed and required by virtue of law, of the Justices of the Supreme Court as heretofore constituted.

Qualifications,
salary, powers,
and duties of
additional
justices.

Section 5. It is the purpose and intention of this Act to exercise the power vested in the Legislative Assembly by Section 5, of Art: VIII of the Constitution of the State of Montana to increase the number of Justices of the Supreme Court to not less nor more than five, and all Acts and parts of Acts now in effect relating to the Supreme Court of the State of Montana and the Justices thereof, shall apply with full force and effect to the additional Justices herein provided for.

Declaration of
purpose of act.

Act declared to
be an emergency
law.

Section 6. This Act is declared to be an emergency Law and a law necessary for the immediate preservation of public peace and safety.

Appropriation for
salaries and fees.

Section 7. There is hereby appropriated Twenty-Two Thousand Five Hundred Dollars (\$22,500.00) out of any money in the State Treasury not otherwise appropriated to pay the salaries and the fees of the Justices herein provided for by this Act.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall take effect and be in force from and after its passage and approval.

Approved August 11, 1919.

APPROPRIATIONS
MEMORIALS AND RESOLUTIONS
ENACTED BY THE
EXTRAORDINARY SESSION
OF THE
Sixteenth Legislative Assembly
STATE OF MONTANA
1919

SIXTEENTH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 1.

“An Act to Appropriate Money for the Payment of the Per Diem of the Officers and Attaches and the Incidental Expenses of the Sixteenth Legislative Assembly of the State of Montana, in Extraordinary Session.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Thousand Dollars (\$5,000.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of the money in the State Treasury, not otherwise appropriated, to pay the per diem of the Officers and Attaches and incidental expenses of the Sixteenth Legislative Assembly of the State of Montana, in Extraordinary Session.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved August 2, 1919.

HOUSE BILL NO. 2.

“An Act to Appropriate Money for the Mileage and Per Diem of the Members of the Sixteenth Legislative Assembly of the State of Montana in Extraordinary Session.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-five Thousand Dollars (\$25,000.00), or so much thereof as may be necessary be, and the same is hereby appropriated out of the money in the State Treasury, not otherwise appropriated, for the payment of the Mileage and Per Diem of the members of the Sixteenth Legislative Assembly of the State of Montana in Extraordinary Session.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved August 2, 1919.

HOUSE BILL NO. 32.

“An Act Appropriating Money to Pay the Mileage and Per Diem of the Members of the Sixteenth Legislative Assembly in Extraordinary Session Assembled; Also for the Per Diem of the Attaches and Employees, and also for Incidental Expenses and Printing the Extraordinary Session Laws.”

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated out of any moneys in the general fund not otherwise appropriated, the following amounts for the following purposes, these amounts being in addition to any appropriation heretofore made by the Sixteenth Legislative Assembly in Extraordinary Session:

For mileage and per diem of the members of the House and Senate of the Sixteenth Legislative Assembly in Extraordinary Session, Six Thousand (\$6,000.00) Dollars:

For the per diem of attaches and employees, Two Thousand (\$2,000.00) Dollars:

For incidental expenses, Twenty-five Hundred (\$2500.00) Dollars:

For printing and publishing the Session Laws of the Extraordinary Session, Eighteen Hundred (\$1800.00) Dollars.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved August 11, 1919.

SENATE JOINT MEMORIAL NO 1.

A Memorial to the Congress of the United States for Amendment of the Act of Congress, Approved May 30, 1908, Opening for Entry and Settlement, under the Land Laws of the United States, the Fort Peck Indian Reservation.

Your memorialists, Members of the Sixteenth Legislative Assembly of the State of Montana, in extraordinary session assembled, the Senate and House concurring, respectfully represent:

WHEREAS, under and pursuant to the provisions of the Act of Congress, approved May 30, 1908, opening to settlement and entry, under the Land Laws of the United States, lands formerly within the Fort Peck Indian Reservation, in the State of Montana, settlement and entry have been made by a large number of actual bona fide settlers who have made the initial payment required under said Act of Congress, and have cultivated said land as required by the Land Laws of the United States; and,

WHEREAS, said Act of Congress, in opening for settlement and entry said lands, provides that entrymen of any of said lands shall pay to the government the appraised value thereof in five equal annual payments, and that the full appraised value of said lands shall be paid before title can be obtained by the entryman; and,

WHEREAS, said settlers upon said lands, owing to extreme and unusual drouth conditions existing during the past four years, have been unable to produce remunerative crops of grains or grasses,

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and all agricultural crops upon said lands have been practically a total failure during said period; and,

WHEREAS, settlers upon said lands, by reason of the aforesaid failures, are unable to pay the government price for said lands, and are unable to continue their residence upon the same, and unless relief is granted to them they will be compelled to abandon their homesteads, lose their improvements and forfeit the payments heretofore made; and,

WHEREAS, owing to said failures of crops, and owing to the fact that title to said lands cannot be acquired until the full appraised value thereof is paid, the settlers aforesaid are unable to obtain credit for the necessities of life, and because of lack of title are unable to borrow money with which to sustain themselves; and,

WHEREAS, if said lands were subject to the provisions of the Homestead Laws, where title could be obtained without payment of the appraised value, these settlers could obtain credit, and could readily borrow money with which to sustain life and continue the cultivation of their homesteads.

THEREFORE, BE IT RESOLVED, by the Senate of the Sixteenth Legislative Assembly, in extraordinary session assembled, the House of Representatives concurring, that we hereby petition the Congress of the United States to amend the Act of Congress, approved May 30, 1908, to the end that no payments be required from entrymen of lands within the territory formerly the Fort Peck Indian Reservation, and that settlers and entrymen upon said land be required only to comply with the homestead and desert land laws of the United States.

BE IT FURTHER RESOLVED, that a copy of this memorial be forwarded to the Secretary of the United States Senate and to the Clerk of the House of Representatives of the United States, and to each United States Senator and Member of the House of Representatives from the State of Montana.

Approved August 6th, 1919.

SENATE JCINT MEMORIAL NO. 2.

Memorializing the Congress of the United States for the Passage of H. R. No. 7026 now Pending in That Honorable Body.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS: There is now pending before the Senate and House of Representatives H. R. No. 7026, introduced by the Honorable Carl W. Riddick, Representative from Montana, providing for the appropriation of Fifty Million (\$50,000,000.00) Dollars out of

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any money in the Treasury in the United States not otherwise appropriated, to be expended under the provision of the Reclamation Act in the construction of irrigation projects and units thereon, especially in the arid land sections, the same to be reimbursed in accordance with the provisions of the Reclamation Act and providing, in the matter of employment in such construction work shall be given, so far as practicable, to honorably discharged soldiers, sailors and marines, and to needy farmers, and,

WHEREAS: The many citizens of the State of Montana are known to be greatly in need of employment where the crops of grain in many parts of the state of Montana are a total failure and,

WHEREAS: The expenditure of a reasonable amount of money in the construction of dams, reservoirs and irrigation canals and ditches would furnish employment for many needy farmers and others who are unemployed and who are ready, able and willing to work; and the expenditure of a reasonable amount of money would be of material benefit in reclaiming arid lands and would be of material benefit to the State of Montana and to the Federal Government and would conserve the waters from the mountainous regions for use at times when same would be of material benefit, and,

WHEREAS: An emergency exists and it is necessary that prompt action be taken and it is the belief of this Legislative Assembly in special session assembled, that it is the duty of the best citizenship of this State and of the United States, to help reclaim unproductive areas of the State of Montana and other States in the Northwest;

THEREFORE BE IT RESOLVED, By the Sixteenth Legislative Assembly of the State of Montana, in extraordinary session assembled, that we earnestly petition the Congress of the United States to pass H. R. No. 7026, and,

BE IT FURTHER RESOLVED, That the Secretary of State of the State of Montana transmit copies of this Memorial to the President of the Senate and to the Speaker of the House of Representatives of the United States, and to our Senators and Representatives of the State of Montana with the request that they use every effort to secure the immediate passage of H. R. No. 7026.

Approved August 8, 1919.

SENATE JOINT MEMORIAL NO. 3.

“Memorial to the United States Railroad Administration and to the Interstate Commerce Commission Requesting a Special Freight Rate be Established for Horses Shipped to Market for Slaughter.”

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To Honorable Walker D. Hines, Director General United States Railroad Administration, Washington, D. C., and to the Interstate Commerce Commission, Washington, D. C.:

WHEREAS, at the present time, the freight rate on horses is based upon their past commercial value as work animals; and

WHEREAS, there does not now exist a freight rate on horses shipped for slaughter, and

WHEREAS, there is no longer a market for the light weight range horse as a work animal, and at the present time these animals are a menace and hindrance to the production of cattle, sheep and swine in the western states and are destroying or eating thousands of tons of hay per year, and

WHEREAS, these animals may now or in the immediate future be utilized as a food product, in which event the high cost of living may be materially reduced, and

WHEREAS, the present freight rates on horses are so high that they will prevent the shipping of these animals for slaughter;

NOW, THEREFORE, BE IT RESOLVED, that we, your Memorialists, of the Sixteenth Legislative Assembly of the State of Montana, in Extraordinary Session, do earnestly request that you establish a freight rate for horses shipped for slaughter, such freight rate not to be based upon their commercial work value, but to be based upon their commercial food value as in the case of cattle, sheep and swine.

BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted by the Secretary of State of the state of Montana to Honorable Walker D. Hines, United States Railroad Administrator and to the Interstate Commerce Commission at Washington, D. C.

Approved August 8, 1919.

SENATE JOINT MEMORIAL NO. 4.

To the Honorable Senate and House of Representatives of the United States, in Congress Assembled:

WHEREAS, prices of staple articles of trade, under the stimulus of the abnormal relationship of supply and demand existing during the war, advanced to abnormally high levels; and

WHEREAS, speculators, in combinations with producers and dealers in such staple articles of trade, are in many instances maintaining prices to those abnormally high levels, by artificial means not based upon the economic laws of supply and demand, but made possible by sympathetic groups of such speculators possessed of large resources and in control of sufficiently large percentages of the total

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supply of such staple articles of trade to arbitrarily fix the market prices of such articles; and

WHEREAS, the aggregate profits being so exacted of the ultimate consumer of such staple articles of trade, is unconscionable, unjust and oppressive; and

WHEREAS, it has long been accepted as within the province of liberal governments to prohibit the exaction of unconscionable profits on money loaned as the medium of trade;

NOW, THEREFORE, BE IT RESOLVED, that the Sixteenth Legislative Assembly of the State of Montana assembled in extraordinary session, does petition the Congress of the United States to prohibit by law the exaction of such unconscionable profits on staple articles of interstate commerce; that persons and corporations engaged in interstate business be licensed by the United States Government to carry on such interstate business that the annual net profits legally chargeable by such persons and corporations from such commerce be limited to a fair aggregate profit based upon the reasonable and economic production cost of the article delivered to the ultimate consumer, as modified by the risk involved in the trade and prior losses of the trade in the business; and, to this end, that the Congress of the United States, either directly or through a commission to be by it created, fix the maximum aggregate profits legally chargeable by the producer, middleman and retailer, upon the various classes of articles of such interstate commerce.

BE IT FURTHER RESOLVED, that the Secretary of State be and he is hereby directed to transmit copies of this Memorial, duly authenticated, to each of the Senators and Representatives in Congress from the State of Montana.

Approved August 8, 1919.

SENATE JOINT MEMORIAL NO. 5.

A Memorial Petitioning Congress to Enact Legislation for the Prevention of Monopoly Control and the Reduction of the Price of Farm Implements and Machinery.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, as has been demonstrated by federal investigation, the production of farm implements and machinery is wholly controlled by the few private interests who conduct and operate said industries, and

WHEREAS, the said price of said farm implements and machinery has for the past two years or over been steadily advancing, and

WHEREAS, said increase in price has been wholly out of pro-

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portion to the legitimate operation of the laws of supply and demand but has been and is in a large measure the result of monopoly price control, and

WHEREAS, said products enter into interstate commerce and are of necessity universally purchased by all engaged in farming and thereby rendering impossible and ineffective any attempt at price regulation by the several states, and

WHEREAS, in connection with the sale of farm implements and machinery in particular, grave abuses have arisen and exist resulting from the practice of said manufacturers in selling their products on commission, and thereafter dictating the price at which said products shall be sold by the persons to whom the same have been consigned, and often enormously increasing said prices without any economic reason for so doing, and

WHEREAS, all the people of the United States are the victims directly or indirectly of unwarranted and extortionate profiteering in the industry hereinbefore mentioned, and

NOW, THEREFORE, BE IT RESOLVED, that we, your Memorialists, the Sixteenth Legislative Assembly of the State of Montana, in Extraordinary Session convened, do earnestly petition the Congress of the United States to enact with all possible expedition and dispatch suitable laws to control and regulate monopoly in the industry hereinbefore mentioned, and to effect a reduction in the price at which farm implements and machinery are now sold to the public, and

BE IT FURTHER RESOLVED, that the Secretary of the State of Montana, be, and he is hereby directed to forward a duly authenticated copy of this Memorial, both to the Senate and House of Representatives of the United States, and like copies to each of the Senators and Representatives in Congress from Montana, with the request that they use their best endeavors to bring about a speedy consummation of the relief herein petitioned for.

HOUSE JOINT MEMORIAL NO. 1.

“A Memorial to Congress Relating to the Production, Sale and Distribution of Livestock, and Livestock Products, Dairy Products, Poultry and Poultry Products in Commerce.”

To the Honorable Senate and House of Representatives of the United States, in Congress Assembled:

WE, your Memorialists, the Sixteenth Legislative Assembly of the State of Montana, in Extraordinary Session convened, respectfully represent and petition:

THAT WHEREAS, there is now pending before the Congress of

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the United States a bill known as S. 2202, introduced by the Honorable W. S. Kenyon, Senator from Iowa, providing for the licensing by the Federal Government of all persons engaged in the business of slaughtering live-stock, preparing livestock products for sale, engaged in the business in commerce of buying, selling or shipping livestock for slaughter and livestock products, conducting or operating stockyards in which livestock is handled in commerce, performing services in commerce with respect to livestock handled on a commission basis or in connection with stockyards, collecting in connection with stockyards and distributing in commerce livestock market quotations or livestock market news, buying, selling and shipping dairy products, poultry and poultry products in commerce, and providing for the regulation and control thereof by the Federal Government; and,

WHEREAS, The Legislative Assembly is of the belief that all such industries and businesses should be subjected to federal control and regulation; and,

WHEREAS, The Legislative Assembly is of the belief that the said S. 2202, presents legislation effecting that object;

BE IT THEREFORE RESOLVED, by the Sixteenth Legislative Assembly of the State of Montana, the House and Senate concurring, that we do respectfully petition and earnestly pray the Honorable Congress of the United States for the passage of S. 2202; and,

BE IT FURTHER RESOLVED, That a copy of this Memorial be forwarded by the Secretary of State of the State of Montana to the Senate of the United States, that a copy of this Memorial be forwarded by the Secretary of State of the State of Montana to the House of Representatives of the United States, and that copies of this Memorial be transmitted by the Secretary of State of the State of Montana to the Senators and Representatives in Congress of the State of Montana with a request that they use every effort to bring about an accomplishment of the ends and purposes herein set forth.

Approved August 9, 1919.

HOUSE JOINT MEMORIAL NO. 3.

“A Memorial to the Congress of the United States to Enact Such Legislation as May be Necessary and Effective for the Purpose of Enabling the Several Public Land States, or any Duly Constituted Irrigation District Organized Under the Laws Thereof, to Acquire Rights of Way upon, over and across Government Lands within National Forests, for the Constructoin of Dams, Reservoirs, and other Necessary Conveniences.

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To the Honorable Senate and House of Representatives in the Congress of the United States of America:

Your Memorialists, the Members of the Sixteenth Legislative Assembly, of the State of Montana, in Extraordinary Session Assembled, the Senate and House concurring, respectfully represent; that

WHEREAS, there exists an urgent need throughout the several Western Public Land States for the storage of flood waters, in order that they may be used for the purpose of irrigating vast areas of cultivated and irrigable lands at such seasons of the year as the regular flow of the rivers, creeks and springs have either been diminished or entirely depleted; and,

WHEREAS, Montana has particularly suffered severely from drouth during the years of 1917, 1918 and 1919; and,

WHEREAS, there exists within the boundaries of the State of Montana many valuable reservoir sites, capable of empounding millions of cubic feet of flood waters that otherwise would run to waste, and

WHEREAS, in a great many instances such reservoir sites are located within the boundaries of the National Forest,

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives, the Senate concurring, that the Sixteenth Legislative Assembly of the State of Montana in Extraordinary Session assembled, do hereby petition:

That the Congress of the United States enact such legislation as may be necessary and effective to enable the several Public Land States, or any duly constituted Irrigation District organized under the Laws thereof, to acquire rights of way upon, over and across government lands within National Forests, for the construction, maintenance and operation of dams, reservoirs and other necessary conveniences for the storage and husbanding of waters for irrigation purposes on lands without said National Forests; together with the right to store, divert, convey and use in and by means of said dams, reservoirs and other necessary conveniences, waters rising within or passing through said National Forests; and the further right to construction, maintain and operate ditches and flumes and aqueducts within said National Forests for the purpose of conveying said waters so accumulated, stored and husbanded in said dams, reservoirs and other necessary conveniences to suitable points of outlet from said National Forests to places of intended use.

BE IT FURTHER RESOLVED, That a copy of this Memorial be transmitted by the Secretary of State of Montana to both Houses of the National Congress and to the Senators and Representatives in Congress from the State of Montana, with the request that they use every effort within their power to bring about the enactment of such legislation.

Approved August 2, 1919.

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HOUSE JOINT MEMORIAL NO. 4.

“A Memorial to the Congress of the United States Urging the Appropriating of Fifty Million Dollars (\$50,000,000.00) for Work on Government Irrigation Projects in the West.”

To the Honorable Senate and House of Representatives of the United States, in Congress Assembled:

We, the Sixteenth Legislative Assembly of the State of Montana, in Extraordinary Session assembled, do hereby urgently recommend that you promptly enact legislation appropriating the sum of Fifty Million Dollars (\$50,000,000.00) for work on Government irrigation projects throughout the West.

The long extended drouth prevailing throughout Montana has rendered more storage and use of water for irrigation purposes a problem of grave importance; and as the projects undertaken by the United States Reclamation Service are entirely under federal control, the individual state is powerless to aid in their completion.

The farmers of Montana exerted their utmost efforts and staked their entire resources in response to every call of the United States Government for increased crop production and for the raising of funds for the different purposes required in the prosecution of the world war. And because of the unprecedented drouth conditions during the last three seasons and especially the season of 1919, the many farmers of Montana are faced with the disastrous effects of such drouth clearly demonstrating the great need and necessity of said appropriation for the purpose of storing and retaining the vast quantity of the flood waters which flow to waste each year, which, if made available, would reclaim a vast acreage of the lands of the state and make them more certain and profitable for the raising of such crops as are necessary for the support of the nation in time of peace or war.

For all of which reasons we urgently recommend the speedy enactment of the proposed legislation as embodying a sound business policy applied to a great national problem.

The Secretary of the State of Montana is hereby directed to transmit by wire, and in writing, copies of this Memorial to the President of the Senate, to the Speaker of the House of Representatives, to the Secretary of the Interior, and to the Montana Senators and Representatives in Congress.

Approved August 9, 1919.

HOUSE JOINT MEMORIAL NO. 5.

“Memorializing Congress of the United States for the Passage of Legislation for the Relief of Entry-men on the Public Lands of the United States under the Homestead Act.”

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To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, a large portion of the sections of the State of Montana now stricken by drouth are lands which have been filed upon by settlers under the Homestead Act of the United States, and

WHEREAS, the crops in said sections have, by reason of the drouth, been in most instances a total failure, and

WHEREAS, the entrymen under said Homestead Act of the said public lands of the United States within the State of Montana, are unable to borrow funds on their said lands to assist in the development of said lands or in maintaining the said entrymen and their families upon said lands, and

WHEREAS, by reason of said drouth, an emergency exists in the said State of Montana, affecting the said Homestead settlers:

THEREFORE, BE IT RESOLVED that the House of Representatives of the State of Montana in Extra Session assembled, the Senate concurring, does respectfully petition the Congress of the United States for the passage of some relief legislation shortening the period of residence required under the laws of the United States for acquiring title to public lands under the Homestead Act and for such proper legislation as may relieve the entrymen from some of the burdens incident to the period of residence in order to acquire title to their said lands under the Homestead Laws as the same now exist and for such further legislation as will assist the Homestead Entrymen within the State of Montana in perfecting their title to their said Homestead Entries and using the same commercially to assist the said Entrymen in improving the said lands and providing sustenance for themselves and their families, and

BE IT FURTHER RESOLVED that the Secretary of the State of Montana transmit copies of this Memorial to the President of the Senate and to the Speaker of the House of Representatives of the United States, and to the Secretary of the Interior, the Commissioner of the General Land Office and the Senators and Representatives from the State of Montana, with the request that they use every effort to secure the immediate passage of such Legislation.

Approved August 9, 1919.

HOUSE JOINT RESOLUTION NO. 1.

“A Resolution Ratifying an Amendment to the Constitution of the United States, Extending the Right of Suffrage to Women. Proposed by a Constitutional Majority of the Sixty-sixth Congress of The United States at its First Session, to the State Legislatures and Empowering Congress to Enforce the Same.”

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To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, It has been resolved by the Senate and House of Representatives of the Sixty-sixth Congress of the United States of America in Congress assembled (two-thirds of each House concurring therein) that the following Article be proposed to the Legislatures of the several States as an amendment to the constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as part of said constitution, namely:

“Article 1. Section 1.—The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Section 2.—Congress shall have power by appropriate legislation to enforce the provisions of this Article.”

THEREFORE, BE IT RESOLVED by the Senate and House of Representatives of the State of Montana, that the said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the Legislature of the State of Montana.

AND FURTHER, BE IT RESOLVED, That certified copies of this Resolution be forwarded by the Governor of this State to the Secretary of State at Washington, D. C., and to the presiding officers of each House of the National Congress.

Approved August 2, 1919.

HOUSE JOINT RESOLUTION NO. 3.

WHEREAS, fires in the forested areas of Montana have and are destroying the standing timber of the State, entailing a loss of millions of dollars to the nation, the state and individuals; and

WHEREAS, despite the utmost efforts of those in charge of the national forests and of state forest lands to secure sufficient forces to hold these forest fires in check, it has been impossible to do so; and

WHEREAS, these forest fires prevalent in all sections of the State, threaten towns and villages without fire protection, the homes of settlers, and endanger the water supply of cities; and

WHEREAS, the governor of this State has recently requested the war department for information as to whether it can detail troops to the State to help fight said forest fires, such federal government aid being necessary because there is no organized body of state troops; and

WHEREAS, the Montana Council of Defense has called upon the

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Secretary of War to send to the State of Montana troops for the purpose of fighting forest fires;

THEREFORE, BE IT RESOLVED, that the Sixteenth Legislative Assembly of Montana in special session assembled, does hereby endorse the action of the governor of the State and of the Montana Council of Defense in calling upon the federal government for aid in fighting the fires in the forests of this state, and respectfully requests that the aid so asked be promptly given by the Honorable Secretary of War, and that this resolution be telegraphed to the said Secretary of War.

Approved August 2, 1919.

HOUSE JOINT RESOLUTION NO. 4.

WHEREAS, There has been introduced in the Senate of the United States, by Senator Smith of Arizona, Senate Joint Resolution No. 64, the provisions of which suspend during the year 1919, the operation of Section 2324, Revised Statutes of the United States, and

WHEREAS, the passage of the said Joint Resolution by the Congress of the United States will relieve Montana prospectors and owners of mining claims of the burden of doing upon each claim one hundred dollars (\$100.00) worth of work, as representation, during the present year, and

WHEREAS, Hundreds of small operators and holders of mining claims within the State of Montana, by reason of industrial conditions and lack of finances with which to prosecute the work upon said claims, are in no position to make the required expenditure upon their properties in order to hold them under the mining laws of the United States, and

WHEREAS, The passage of Senate Joint Resolution No. 64 would result in great benefit to the small operators of this state, relieving them of a burden which they find onerous at this time,

NOW, THEREFORE BE IT RESOLVED, By the House of Representatives of the Sixteenth Legislative Assembly of the State of Montana, the Senate concurring, in Extraordinary Session assembled, that the Congress of the United States be and is hereby memorialized to pass Senate Joint Resolution No. 64, by Senator Smith of Arizona; and the Secretary of State of the State of Montana is hereby directed to forward, immediately upon its approval, copies of this Memorial to the proper officers of the Senate and House of Representatives of the Congress of the United States, and to the Chairmen of the Committees upon Mines and Mining of those legislative bodies.

Approved August 2, 1919.

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HOUSE JOINT RESOLUTION NO. 5.

WHEREAS, the State of Montana has heretofore made large selections of lands throughout the agricultural counties of the State for the benefit of the various funds and institutions of the State, which lands have, in a large measure, been sold on contract or leased to various individuals thereby producing important revenues to the State, and

WHEREAS, a drouth condition has arisen throughout the agricultural counties of the State as the result of which it is in many instances difficult and burdensome for the holders of some of the State Land Contracts to make payment of the sums of principal and interest maturing in the year 1919 and it is likewise difficult in some instances to pay the installments accruing to the State under its said State Land Leases held throughout the agricultural counties of the State, and

WHEREAS, it would inure to the benefit of the holders of said State Land Leases and Contracts of Purchase if the payments maturing in the year 1919 might be extended for an additional year;

NOW THEREFORE, BE IT RESOLVED by the House of Representatives of the Extraordinary Session, the Senate concurring, that the State Board of Land Commissioners and the Register of State Lands be requested to give consideration to the matter hereinbefore cited in determining a policy of said Board concerning delinquent payments on said Lease, State Land Contracts and Certificates of Purchase of State Lands from the State of Montana, and

BE IT FURTHER RESOLVED that in such cases where the bona fide holders of any lease of State Lands, State Land Contract or Certificate of Purchase of State Lands shall file in the office of the Register of State Lands, an affidavit stating the fact that by reason of the drouth condition throughout the State, he is unable to meet the payment of principal or interest accruing to the State for the year 1919 and that such condition arises through no fault of his and such affidavit is duly corroborated by some person familiar with the facts therein set forth; that the said payment maturing in the year 1919 shall be extended for an additional year, and

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the Governor of the State and the Register of State Lands of the State of Montana.

Approved August 2, 1919.

HOUSE JOINT RESOLUTION NO. 7.

WHEREAS, The Legislative Assembly in Special Session assembled, has seen fit to pass Senate Bill No. 4, authorizing and empow-

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ering the State Highway Commission in its discretion to use force account labor on the State Highway construction; and,

WHEREAS, This change has been made and this authority given in order to in some measure relieve the drouth situation, and to aid the farmers of Montana, suffering from the drouth:

NOW, THEREFORE, Be it Resolved by the House of Representatives in Special Session assembled, the Senate concurring, that it is the intention of this Legislature that this authority to use force account labor, was passed to aid drouth stricken farmers, and that we urge the State Highway Commission to in all cases where force account labor is used to give preference to farmers, and that where farm labor can be secured such farmers are to be preferred; and,

BE IT RESOLVED FURTHER, That a copy of this resolution be furnished to each member of the State Highway Commission.

Approved August 9, 1919.

HOUSE JOINT RESOLUTION NO. 9.

“A Resolution to the Congress of the United States from the Sixteenth Legislative Assembly of the State of Montana, in Special Session, Relating to the Highway System Running from the South Boundary of the Blackfoot Reservation to Glacier Park and to the Canadian Border.”

WHEREAS, there is an important road in the highway system of Montana running from the south border of the Blackfeet Indian Reservation to Glacier Park, and from the town of Babb on the Blackfeet Indian Reservation straight north to the Canadian line, a total distance of about fifty miles; and,

WHEREAS, this road is now in very bad condition and some of it practically impassable; and,

WHEREAS, the improvement of this highway is essential to the development of commercial relations with Canada, and is necessary for the encouragement of travel into Glacier National Park by automobile; and,

WHEREAS, the Province of Alberta has just completed a good road from Banff Park to the Montana line, it being evident that the improvement of the road from Babb to the Canadian line would make the most accessible highway to connect Glacier National Park, in the United States, with the Rocky Mountain Parks in Canada;

THEREFORE, BE IT RESOLVED, by the Legislative Assembly of the State of Montana, in Special Session, that the Department of the Interior of the United States Government be, and is hereby

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urged, to build and maintain a highway north and south, across the Blackfeet Indian Reservation; and,

BE IT FURTHER RESOLVED, That this Resolution be presented to the Montana Representatives in Congress and brought to the attention of Franklin K. Lane, Secretary of the Department of the Interior, and also to the attention of the Indian Service of the National Park Service of the United States Government.

HOUSE JOINT RESOLUTION NO. 11.

“Relating to the Independence of Ireland.”

WHEREAS, the people of Ireland, for seven hundred and fifty years, have been struggling to maintain their national independence, and during that time have suffered the oppression that always follows where a people are compelled to live under a Government not founded upon the consent of the governed; and

WHEREAS, the United States of America fought and assisted in winning the war for the establishment and preservation of the principle of the right of self-determination; and

WHEREAS, the people of Ireland have determined for themselves the form of Government under which they propose to live;

NOW, THEREFORE BE IT RESOLVED, That the House of Representatives of the State of Montana, the Senate concurring, do urge that the Congress of the United States by Resolution ask the President of the United States to use all peaceful means to secure the general recognition of the Republic of Ireland as a member of the Nations of the world, and

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded by the Secretary of State to the Secretary of the House of Representatives of the Congress of the United States, to the Secretary of the Senate of the United States, and to the President of the United States.

SENATE JOINT RESOLUTION NO. 1.

WHEREAS the report of the special committee appointed by the Senate of the Sixteenth Legislative Assembly in its reports found that the Continental Oil Co. was shipping oil and gasoline to the State of Montana from Grey Bull, Wyoming, and that said gasoline was being furnished for shipment to Montana points at a higher and greater price than the refinery was shipping gasoline to points in the State of Montana, and

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WHEREAS the State of Montana by reason of its proximity to the State of Wyoming should be able to receive oil, gasoline and petroleum products for a sum not greater in price than what is paid by other communities without the State of Montana for the same and similar products; and

WHEREAS the manufacturers and producers of petroleum, and its products, are engaged in interstate business, and that the control of such business cannot be accomplished by legislation in the State of Montana; and

WHEREAS no good reason exists why the people of the State of Montana should pay a greater or higher price for petroleum, and its products than other communities equally distant;

THEREFORE BE IT RESOLVED by the Senate and House of Representatives of the Sixteenth Legislative Assembly, the House concurring, that we do respectfully petition the Honorable Congress of the United States to pass such legislation as will prohibit producers of petroleum, and its products, from charging a higher or greater sum at the point of shipment for those residing within the State of Montana, than they do to those residing equal distance without the State,

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Senators and Representatives in the Congress of the United States from the State of Montana, requesting them that they take such action as may be necessary and proper for the purpose of securing to the State of Montana equal terms and prices to those similarly situated, for petroleum and its by-products.

NOTE.

The State Law Librarian, compiler of the Index on the following pages, has endeavored to arrange the same alphabetically throughout. The main heads are found in the center of the page and the subheads on the left. The matter under the main head is arranged in accordance with the alphabetical sequence until a subhead is reached, if any; the matter under the subhead is arranged in like manner, (the lines being slightly indented,) until exhausted. Following the matter under the subhead the Index resumes the alphabetical sequence, the lines being set flush on the left margin. This arrangement is continued throughout the Index.

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